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ABSTRACT

This document describes the minimum standards that must be met and maintained by day care centers in the state of Texas. These standards were drawn up by the State Department of Public Welfare and are applicable to both non-profit and proprietary day care centers. The areas covered by the standards include: (1) organization and general administration, (2) enrollment, (3) director qualifications and responsibilities, (4) staff qualifications, (5) staff/child ratio, (6) space, (7) furnishings and equipment, (8) toileting arrangements, (9) fire, sanitation and safety, (10) physical health, (11) food service and nutrition, (12) program operation, (13) discipline, (14) infant care, (15) school-age care, and (16) transportation. To qualify for a license in Texas, a day care center must comply with the requirements contained in this document. (JMB)

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MINIMUM STANDARDS FOR DAY CARE CENTERS

STATE DEPARTMENT OF PUBLIC WELFARE

PS 008144

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FOREWORD

MINIMUM STANDARDS FOR DAY CARE CENTERS, as set forth herein, constitute the basic requirements to be met and maintained by each day care center in Texas; these standards are applicable to non-profit as well as proprietary day care centers. The MINIMUM STANDARDS FOR DAY CARE CENTERS also represent the basic assurance of protection and a sound experience to children while they spend a large part of the day in a day care center.

Many thousands of Texas children are in day care centers. Parents, caregivers, government and other concerned citizens are vitally interested in seeing that the care given to these children meets their basic needs. Realistic standards that address these needs and which are measurable and understandable are one way of guaranteeing that these needs are met.

As a result of the public's concern and interest, these MINIMUM STANDARDS FOR DAY CARE CENTERS have been promulgated by the State Department of Public Welfare out of a process beginning with an ad hoc advisory committee and subcommittees. Additional work by Department staff with the evaluation of all and the incorporation of many suggestions and recommendations from parents, educators, child development specialists, cooperating state and local government agencies, day care associations and organizations, health personnel and interested persons with no particular affiliation with day care except their own concern for children contributed to the development of the Standards.

For the invaluable contributions of each of these persons, the Department is grateful. The Department would urge that the process not cease with the official adoption of these Standards; the Department encourages continued comment and review on the Standards. Likewise, the Department urges that those involved in providing day care continue to grow, learn, and find ways to build upward from these Minimum Standards for quality of care beyond the required minimum.

State Department of Public Welfare

MINIMUM STANDARDS FOR DAY CARE CENTERS

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Introduction

The State Legislature has delegated to the State Department of Public Welfare the responsibility for administering certain laws concerning licensing of child care facilities.

Responsibility of the State Department of Public Welfare for Licensing

Texas law provides that:

> . . . the State Department of Public Welfare shall be given the right and the authority to promulgate reasonable rules and regulations governing the granting of licenses to the institutions and facilities coming within the purview of this Act, and for the suspension or revocation of such license for the operation of such institutions and facilities named in this Act, or for the solicitation of funds for the maintenance of such institutions and facilities; said rules and regulations shall be reasonable, and shall be uniform in nature. *Texas Revised Civil Statutes Annotated, Art. 695c, § 8(a)9*

Among the child-caring facilities licensed by the State Department of Public Welfare are nonprofit and commercial day care centers. These are defined in the law as follows:

> A day care center is any place maintained or conducted under public or private auspices, without profit, which cares for more than six (6) children during a part of the twenty-four (24) hours of the day.
>
> A commercial day care center is any place maintained or conducted, for profit, under public or private auspices which cares for more than six (6) children during a part of the twenty-four (24) hours of the day. *Texas Revised Civil Statutes Annotated, Art. 695c, § 8(a)1(c)(d)*

Application for License

Application for a license to operate a commercial or nonprofit day care center shall be made to the State Department of Public Welfare. A study will be made by a representative of the Department and when requirements are met, a license will be issued.

In regard to this, Texas law provides that:

> Every person, association, institution, or corporation, whether operating for profit or without profit, who shall conduct or manage a child-caring institution, agency, or facility coming within the purview of this Act shall obtain a license to operate from the State Department of Public Welfare, which license shall be in full force and effect until suspended or rescinded by the Department of Public Welfare as hereinafter provided. *Texas Revised Civil Statutes Annotated, Art. 695c, § 8(a)2(a)*

To qualify for a license, a day care center must comply with the requirements contained in this booklet. Persons and organizations providing day care for 6 or less children must meet standards not included in this booklet but available from the State Department of Public Welfare.

Periodic Review of Day Care Facilities

A representative of the State Department of Public Welfare will visit each day care center periodically and may make a complete study at any time if indicated. A Department representative will also revalidate the license to assure continual compliance. A license remains in force until it is suspended or revoked.

Introduction

In this regard Texas law states:

> The State Department of Public Welfare shall have the authority to visit and inspect all such facilities embraced within this Act, whether licensed or unlicensed, at all reasonable times, to ascertain if same are being conducted in conformity with the law or if any conditions exist which need correction. *Texas Revised Civil Statutes Annotated, Art. 695c, §8(a)4*

Denial, Suspension or Revocation of License

According to Texas law:

> The State Department of Public Welfare is authorized to deny a license to a person or to an unincorporated or incorporated institution, agency, or association coming within the purview of this Act, if it or he is organized so loosely, poorly, and intangibly, or if it or he operates by such methods that said State Department reasonably concludes that the manner of organization and/or operation admits of probability of fraud being perpetrated. Appeal may be made for a hearing as provided elsewhere in this Act.
>
> The State Department of Public Welfare is authorized to suspend or revoke any license if it ascertains failure to comply with the law or with the reasonable rules and regulations provided for herein . . . *Texas Revised Civil Statutes Annotated, Art. 695c, §8(a)7(a)(b)*

Right to Appeal

Texas law provides that:

> In the event that any person, association, agency, corporation, or facility coming within the purview of this Act is denied a license to operate or solicit funds or said license to operate or to solicit funds has been suspended or revoked, said person, association, corporation, agency or facility shall have the right to appeal within a reasonable time, and upon filing written notice of appeal, said appellant shall be granted a reasonable notice and opportunity for a fair hearing before the Advisory Board created in this Act.
>
> Within a reasonable time prior to the appellant's appeal hearing, he, or his authorized agent, shall be fully advised of the information contained in his record on which action was based if a request for such information is made in writing, and no evidence of which the appellant is not informed shall be considered by the Advisory Board or the State Department of Public Welfare as the basis for the decision after the hearing. *Texas Revised Civil Statutes Annotated, Art. 695c, §8(a)8(a)*

The written notice of appeal may be mailed to the:

Commissioner
State Department of Public Welfare
John H. Reagan Building
Austin, Texas 78701

Court Action to Protect Children

Texas law provides that:

> Whenever the State Department of Public Welfare has reason to believe that any person, association or corporation having the care or custody of a child subjects such child to mistreatment or neglect, or immoral surroundings, it shall cause a complaint or petition to be filed in the proper court, and said Department may be represented by the Attorney General of the State of Texas in such a proceeding. *Texas Revised Civil Statutes Annotated, Art. 695c, § 8(a)6*

Introduction

Texas law also provides that:

> Any person, association, or corporation, for cause, may be enjoined from soliciting for, or conducting, or managing any institution, agency, or facility coming within the purview of this Act through suit brought by the Attorney General of the State of Texas or by the county attorney or district attorney, in the county where such illegal practices occur. *Texas Revised Civil Statutes Annotated, Art. 695c, §8(a)11*

Immunization of Children

The 62nd Legislature at its Regular Session in 1971, amended the licensing law by adding a new Subsection 9a to Section 8(a). This new law requires the State Department of Public Welfare to promulgate rules and regulations relating to the immunization of children in child care facilities.

This law states:

> 9a(a) The State Department of Public Welfare shall promulgate rules and regulations relating to the immunization of children admitted to institutions and facilities covered by this Act. The rules shall require the immunization of each child at an appropriate age against diptheria, tetanus, poliomyelitis, rubella, rubeola, and smallpox, and such immunization must be effective upon the date of first entry into the institution or facility; provided however, a person may be provisionally admitted if he has begun the required immunizations and if he continues to receive the necessary immunizations as rapidly as is medically feasible. The State Department of Health shall promulgate rules and regulations relating to the provisional admission of persons to institutions and facilities covered by this Act. The State Board of Health may modify or delete any of the immunizations listed in this section or may require immunization against additional diseases as a requirement for admission to institutions and facilities covered by this Act, provided however, that no form of immunization shall be required for a child's admission to an institution or facility if the person applying for the child's admission submits either an affidavit signed by a doctor in which it is stated that, in the doctor's opinion, the immunization would be injurious to the health and well-being of the child or any member of his family or household, or an affidavit signed by the parent or guardian of the child stating that the immunization conflicts with the tenets and practice of a recognized church or religious denomination of which the applicant is an adherent or member.*
>
> (b) Each institution or facility covered by this Act shall keep an individual immunization record for each child admitted, and the records shall be open for inspection by the State Department of Public Welfare at all reasonable times.
>
> (c) The State Department of Health shall provide the required immunizations to children in areas where no local provision exists to provide these services. *Texas Revised Civil Statutes Annotated, Art. 695c, §8(a)9a*

*The State Board of Health acts under the authority of Senate Bill 1007 in June 1971 to add pertussis (whooping cough as a required vaccine. In November 1973 the Board deleted Small Pox as a required vaccine.

Organization and Administration

A. ORGANIZATION

1. All day care centers, whether commercial or nonprofit, shall have a governing body which is responsible for and has authority over the policies and activities of the day care center.

MINIMUM COMPLIANCE

One of the following shall constitute compliance:

a. In the case of a day care center which is individually owned (sole proprietorship) the individual owner shall constitute the governing body.

b. In the case of a day care center which is owned by a partnership, the partners shall constitute the governing body.

c. In the case of a day care center which is owned by a corporation, the corporation shall designate a governing body with responsibility for policy making and implementation.

d. In the case of a day care center which is owned by a church, the governing body shall be specified in accordance with church policy.

2. The governing body shall be responsible for the establishment of the day care program in compliance with the Minimum Standards for Day Care Centers.

MINIMUM COMPLIANCE

a. The governing body shall sign and submit to the Department the following completed, official documents provided to the potential licensee by the Department:

(1) A separate application* for each day care center.

*See Glossary for definition.

(2) A separate Plan of Operation* for each day care center. When required information is available in written form, as in a brochure, this may be referred to in the Plan and submitted as an attachment rather than filling in all the Plan.

b. Day care centers with a corporate governing body shall submit the following to the Department:

(1) A copy of the Articles of Incorporation.

(2) A copy of the Certificate of Incorporation.

c. Day care centers with a nonprofit corporate governing body shall submit to the Department, in addition to those items outlined in Compliance a and b above, the following information:

(1) A statement of tax exempt status from the Internal Revenue Service or other written documentation of the statutory basis for tax exempt status.

(2) A copy of the constitution, as applicable.

(3) A copy of the by-laws, as applicable.

(4) A copy of the minutes of the meeting establishing the day care center.

(5) A copy of the minutes of the meeting at which the director is appointed.

NOTE: Churches to which the above is not applicable may submit other written documentation.

Organization and Administration

d. The governing body shall meet upon request, with the Department, to review the initial application, documentation and subsequent completed study, including a review of the licensing law and the Minimum Standards for Day Care Centers.

3. The governing body shall be responsible for the operation of the day care program in compliance with the Minimum Standards for Day Care Centers.

MINIMUM COMPLIANCE

a. The staff of the Department of Public Welfare shall apprise the governing body chairman and/or director of complaints, deficiencies and non-compliance with the Minimum Standards for Day Care Centers.

b. The governing body and/or the director shall meet upon request, with the Department, to review the licensing law and/or the Minimum Standards for Day Care Centers and to ascertain what is required of the day care center in relation to revalidation, a standard by standard review and/or complaints.

4. The governing body of day care centers, with the participation of the director, shall formulate the policies of the center.

MINIMUM COMPLIANCE

a. Policies shall include as a minimum, a statement of the program provided, personnel policies and enrollment policies.

b. For centers licensed for 31 children or more, copies of these policies shall be in writing and shall be submitted to the Department at the time the Plan of Operation is submitted.

c. Policies shall be clearly stated and current.

5. The governing body shall notify the Department in writing, in advance, of any occurrence which affects the status of the day care license.

MINIMUM COMPLIANCE

The Department shall be notified of:

a. Changes in the governing body.

b. Change of facility director.

c. Change in the board chairman of a corporate day care center.

d. Change in location.

e. Termination of operation.

f. Addition to or reduction of indoor or outdoor space.

g. Changes in ages or increase in numbers of children in care which affect grouping or staff.

h. Change in day care center hours of operation.

i. Admission of a child known to be in need of special care due to disabling or limiting conditions.

6. The governing body shall have the power to employ and dismiss the director.

MINIMUM COMPLIANCE

a. In the case of day care centers which have a sole proprietor or partnership as a governing body and which employ a director, this power shall be specified in the personnel policies of the day care center.

b. In the case of day care centers with a commercial corporate governing body this power shall be specified in the personnel policies of the day care center.

c. In the case of day care centers with a nonprofit corporate governing body the following shall apply:

(1) This power shall be documented in the consititution, by-laws or other official documents.

(2) Any board action on employment or dismissal of the director shall be documented in the minutes of the governing body.

d. In the case of day care centers which are owned and operated by a church, the method for employing and dismissing the director in accordance with church policy shall be documented in writing with a copy submitted to the Department at the time the Plan of Operation is submitted.

7. The governing body shall designate a director, in writing. The individual owner and the director may be the same person, in which case this shall be specified.

MINIMUM COMPLIANCE

a. A copy of the written designation shall be submitted to the Department.

b. The designation shall be dated and signed by the governing body and shall state the name of the director designated.

c. The responsibilities of the director shall be formulated and shall include responsibility for insuring that licensing standards are met and maintained in the day to day operation of the day care facility.

d. For centers licensed for 31 children or more, the responsibilities of the director are to be in written form. A copy of the responsibilities of the director shall be on file at the facility and a copy submitted to the Department at the time the Plan of Operation is submitted.

B. GENERAL ADMINISTRATION

1. The day care center shall have its license to operate displayed in a prominent place.

MINIMUM COMPLIANCE

Self-evident.

2. A copy of the State licensing law *(Texas Revised Civil Statutes Annotated, Art. 695c § 8(a))* and a copy of the State Department of Public Welfare Minimum Standards for Day Care Centers shall be available at all times to staff, parents and others upon request.

MINIMUM COMPLIANCE

See Appendix I.

3. A copy of the current Plan of Operation shall be on file at the facility.

MINIMUM COMPLIANCE

The Plan of Operation shall be kept current. Required information available in written form, such as brochures, may be referred to and kept on file at the facility to constitute compliance.

4. Information on daily attendance shall be on file at the facility.

Organization and Administration

MINIMUM COMPLIANCE

Information on daily attendance shall indicate groupings and designated staff members.

5. Any and all information required to be maintained or on file at the day care center shall be available to the Department to document compliance with minimum standards.

MINIMUM COMPLIANCE

Self-evident

6. The Department shall be notified of any serious occurrences which affect the day care operation.

MINIMUM COMPLIANCE

The Department shall be notified by telephone and later in writing of any serious occurrences in the center such as:

(1) Fire, accident, injury or serious communicable disease.

(2) Death of a child while in the care of the day care center.

7. The day care director shall notify the Department staff or the local law enforcement official by telephone when it appears that a child is being neglected or abused.

MINIMUM COMPLIANCE

See Appendix II, Family Code.

C. ENROLLMENT*

1. The director shall inform parents of the center's program prior to, or at the time of, the child's enrollment.

MINIMUM COMPLIANCE

a. For centers licensed for 31 children or more the program statement shall be in writing.

b. The program statement shall contain an outline of the services, goals and activities of the program provided by the center. The statement shall be clearly worded and current.

The program statement, at a minimum, should contain the following:

(1) The ages of children in the program.

(2) The maximum number of children in the program.

(3) Activities provided, including special activities, if any.

(4) Meal service and snacks.

(5) Hours of operation.

(6) Fees, rebates and overtime charges.

(7) Vacations and holidays.

(8) Special needs served.

(9) Transportation, if any.

(10) Rules related to personal belongings in the center.

*See Glossary for definition.

c. For centers licensed for 31 children or more a copy of the center's program statement shall be submitted to the Department at the time the Plan of Operation is submitted.

2. Enrollment policies shall stipulate what enrollment information must be obtained for each child prior to admission.

MINIMUM COMPLIANCE

a. The following enrollment information, at a minimum, shall be kept on file at the facility:

(1) Child's name, birth date, home address and home telephone number.

(2) Name and address of parent or guardian and telephone numbers at which parent or guardian may be reached during hours the child is in day care.

(3) The name, address and telephone number of the child's physician.

(4) The names of persons to whom the child may be released.

(5) Emergency medical authorization.

(6) Transportation permission (if any).

(7) Permission for participation in water activities (if any).

(8) Medical statement from physician or medical form from Early and Periodic Screening, Diagnosis and Treatment program.

(9) Immunization record. (Verification that the record is on file in the public school will suffice for school age children.)

(10) Report of test for tuberculosis and appropriate follow-up.

(11) Report from consultant regarding the admission of a child with known need for special care.

b. For day care centers licensed for 31 children or more, a copy of the day care center's enrollment policies shall be submitted to the Department at the time the Plan of Operation is submitted.

3. The day care facility shall require parents to sign a child care agreement.

MINIMUM COMPLIANCE

a. The agreement shall, at a minimum, include the following:

(1) The name(s) of the child(ren) in care.

(2) The hours the child(ren) shall be in care.

(3) The signature of the parent or guardian.

b. The program statement, enrollment information and the child care agreement may be the same document.

4. The day care center shall encourage parents to visit the center and observe the day care program.

MINIMUM COMPLIANCE

a. Time shall be allowed for individual conferences with the parents or guardian about the child's anticipated adjustment to day care prior to admission, and his adjustment and progress during his stay.

b. Any special problems of a child shall be brought to the attention of the parent or guardian.

5. Parents or guardians of enrolled children shall be informed of any significant occurrence which may affect the children.

MINIMUM COMPLIANCE

a. The parents or guardians shall be notified immediately of illness or serious injury of their child.

b. Cases of communicable diseases shall be reported to the parents or guardians of all other children in the center.

D. ATTENDANCE*

1. The number of children present at the day care facility shall at no time exceed the number for which the center is licensed.

MINIMUM COMPLIANCE

Compliance shall be determined by the actual number of children in the center on a given day as reflected in daily attendance records or on site head count, rather than enrollment data.

2. In day care facilities which operate on an extended day basis, either by shifts or separate evening and/or night care programs, no child shall be in care for the full 24 hour period.

MINIMUM COMPLIANCE

a. The length of time a child shall be in care shall be specified in the child care agreement. The time shall not exceed 12 hours of the 24 hour period with the exception of emergency situations such as illness of the parent or family, death in the family or unavoidable delay of the parents or guardian. With special Department approval, the same child may be in care for two shifts.

*See Glossary for definition.

b. Facilities offering 24 hour care to the same child are governed by separate standards, which may be obtained from the Department.

3. Day care centers may accept children for irregular (drop-in) care with certain restrictions.

MINIMUM COMPLIANCE

The following restrictions shall apply to drop-in care:

a. The facility is operating below licensed capacity or spaces are retained specifically for drop-ins.

b. The staff-child ratio in each group is maintained at all times.

c. All other licensing requirements are met including a file on the child containing the up to date immunization record and emergency form.

d. Parent or guardian is informed that he must determine in advance if space is available before leaving the child.

e. Children displaying anxiety symptoms shall be given special consideration.

f. Additional personnel, such as the director, shall be available to handle admission records, irregular check-in and check-out times and explanation of policies, including financial arrangements.

g. Qualified reserve staff is available in sufficient number to meet peak staff requirements of the center.

Personnel

A. DIRECTOR QUALIFICATIONS

1. The director of a day care facility licensed for from 7 to 15 children shall be 18 years of age and have a high school diploma or its equivalent.

The director of a day care facility licensed for from 16 to 30 children shall be 18 years of age and shall have, as a minimum, a high school diploma or its equivalent and one year of experience in family day care or group child care.*

The director of a day care facility licensed for 31 children or more shall be 18 years of age, have a high school diploma or its equivalent and 3 years of experience in group child care;

or,

one year of college and 2 years of experience in family day care or group child care;

or,

two years of college and one year of experience in family day care or group child care;

or,

have a bachelor's degree or graduate training or degrees from an accredited college or university.

MINIMUM COMPLIANCE

a. Where designated, one of the following shall constitute compliance:

(1) A high school diploma.

(2) A certificate of high school equivalency.

(3) A transcript or diploma from highest university or college level reached.

b. The documents listed above shall be available to the Department upon request for verification of compliance with the educational component of this requirement.

*See Glossary for definition.

c. The experience requirement shall be documented by furnishing one or more references who have knowledge of and can attest to the director's experience in group child care. These references may be the same as those required in Standard A-2 below.

d. These requirements are not applicable to persons who, upon the effective date of these standards, are serving as directors of day care centers so long as they remain director of the same facility.

2. The director shall submit a record of previous training and experience and a listing of references to the Department on an official Department form.

MINIMUM COMPLIANCE

a. The director shall provide the Department with information concerning all past employment, education and experience in working with young children.

b. The director shall provide the Department with the names, addresses and telephone numbers of three references who can attest to the director's character and suitability for directing a day care center.

The references shall be adults not related to the director, the governing body or one another.

c. The director shall provide the Department with written permission to make contacts necessary to verify those sources specified in items a and b above.

B. DIRECTOR RESPONSIBILITIES

1. A director shall be at the site and responsible for the facility's day to day operation.

Personnel

MINIMUM COMPLIANCE

a. When the director is not present at the site, an assistant director shall be designated. All standards pertaining to the director shall apply to the assistant director.

b. When an emergency situation requires the absence of the director or assistant director during the time the children are in attendance, another staff member is to be designated as responsible for the day to day operation of the facility.

c. At no time shall a day care facility be left with no administratively responsible person designated.

2. The director shall participate in formulating personnel policies for day care facilities and be responsible for their implementation.

NOTE: Directors should be alert to the possibility that certain Federal regulations may apply to their centers, such as wage and hour laws, the Occupational Safety and Health Act, the Equal Employment Opportunity law, etc. Information on whether these and other Federal laws apply may be obtained from:

Department of Labor
Washington D.C., 20210

MINIMUM COMPLIANCE

a. For facilities licensed for 30 children or less, policies need not be written. Each employee upon employment shall be informed of his duties and shall be informed of the persons to whom he is administratively responsible.

b. For facilities licensed for 31 children or more, personnel policies shall be written. Each employee shall be informed of the policies upon employment and a copy made available to the employee upon request. Personnel policies shall be on file at the day care center.

c. Personnel policies, as a minimum, shall contain clearly detailed statements as to job qualifications, working days and hours of employment, job descriptions and any benefits.

d. For day care centers licensed for 31 children or more, a copy of personnel policies shall be submitted to the Department at the time the Plan of Operation is submitted.

3. The director shall be responsible for the maintenance of personnel records on file at the day care center.

MINIMUM COMPLIANCE

Personnel records shall include:

a. For employees hired after the effective date of these standards, statements from three references attesting to the employee's character and suitability for the job for which he is hired. References shall be unrelated to one another, the applicant or anyone employed in or responsible for the facility.

(1) The name, address and telephone number of each reference is to be in the record.

(2) The statements are to be written and signed by the references or are to be quotes from the references, written and signed by the director.

b. Prior to employment, each staff member, including volunteers who are counted in the staff-child ratio, shall obtain the following to be included in the record:

(1) A health card or a statement dated anytime within the six months preceding employment and signed by a physician duly licensed and certified by the Medical Practice Act or practicing on a U. S. Military installation, certifying that the person is free from communicable and contagious diseases.

(2) A report of the skin test for tuberculosis with appropriate follow-up. A negative chest x-ray also constitutes compliance. These shall have been obtained within the six months preceding employment.

(3) These records shall be updated at least annually. Household members over age 14 on the premises during the day care program's hours of operation shall also be required to obtain the above information. Household members under 14 years of age shall be subject to the same requirements as children in care.

4. The director shall be responsible for staff management.

MINIMUM COMPLIANCE

The director or person responsible for employing staff shall carry primary responsibility for:

a. Hiring staff based on their good character, child care competence and/or education in accordance, at a minimum, with those items specified in Standards C1-3, Staff Qualifications.

b. Assignment of staff to specific jobs or functions based on their mental, physical and emotional ability to assume assigned responsibilities.

c. Supervision and evaluation of staff to ascertain their competency in performing their assigned function.

d. Dismissal of staff when circumstances warrant such action.

C. STAFF QUALIFICATIONS

1. Staff members with primary responsibility for direct child care* shall be 18 years of age or older.

MINIMUM COMPLIANCE

a. Persons under 18 who have a high school diploma shall be exempt from the above requirement.

b. Students under 18 years of age who are enrolled in career programs approved by the Texas Education Agency or other State or Federally approved programs may have primary responsibility for direct child care.

c. Aides* shall be 15 years of age or older and work under the direct supervision of the director or a primary care giver.

2. Staff members shall be mentally, physically and emotionally able to assume assigned responsibilities.

MINIMUM COMPLIANCE

a. No individual who has been convicted under a penal code of child abuse or neglect or sexual abuse, or who is awaiting trial on such charge or where abuse has been established under the Family Code, shall be employed or retained in a day care center.

b. No person on furlough from a State hospital and no person who exhibits behavior which may result in physical or mental harm to the children in care shall be employed in a day care center.

c. Assignment of mentally retarded persons shall be commensurate with their competency, with careful consideration given to the degree of judgment and self control required by the tasks assigned. Mentally retarded persons shall not be employed in direct child care.

*See Glossary for definition.

d. If a question concerning the health status (physical or mental) of an employee or the director exists, a written report on such status from a physician duly licensed and certified under the Medical Practice Act or practicing on a U. S. Military installation shall be provided the Department upon request.

3. Staff members shall demonstrate child care competency.

MINIMUM COMPLIANCE

a. Every employee who has contact with the children shall have the ability to relate to them with courtesy, respect and patience.

(1) Employees shall hold and touch the children in such a way as to convey respect, patience and affection.

(2) Those employees responsible for the children shall praise and encourage the children.

b. Employees shall be capable of providing the children with a variety of appropriate social and learning experiences, including the exercise of proper authority in the setting of limits, providing individual guidance or active intervention, as appropriate.

4. Sufficient staff shall have current knowledge of first aid training so that a staff member trained in first aid shall be on the day care premises at all times when children are in attendance. (See Section V, Physical Health.)

MINIMUM COMPLIANCE

a. A current Red Cross first aid card posted will constitute compliance.

b. The **Guide to First Aid and Emergency Care** shall be posted.

c. A current first aid manual shall be available in a designated location in the facility.

5. Any adult staff who is delegated primary responsibility for water activities* shall have current knowledge of water safety practices. (See Section VII, Program.)

MINIMUM COMPLIANCE

A current Water Safety Instructor or Red Cross Senior Life Saving card shall be posted.

*See Glossary for definition.

Personnel

D. STAFF-CHILD RATIO

1. The number of children supervised by one child care staff member shall not exceed the following ratios.

CHART I

Straight-Age Grouping (Basic Staff-Child Ratio)	Number of Staff	Number of Children	Ages of Children
			Infants
	1	4	0 - 1st birthday
	1	6	1+ - 2nd birthday
			Pre-School
	1	8	2+ - 3rd birthday
	1	13	3+ - 4th birthday
	1	17	4+ - 5th birthday
			School Age
	1	20	5+ - 6th birthday
	1	26	6+ - 14th birthday

CHART II

Multi-Age Grouping	Number of Staff	Number of Children	Ages of Children
NOTE: Ages 0-2nd birthday may not be grouped.	1	4	0 to 1 year
	1	6	1 to 2 years
No more than four 2 year olds	1	10	2+
No more than six 3 year olds	1	15	3+
No more than ten 4 year olds	1	18	4+
No more than twelve 5 year olds	1	22	5+

In multi-age grouping, when there are more children of the youngest age in the mixed group than allowed (See left column.), staff-child ratio shall conform to the age of the youngest child as outlined in the STRAIGHT-AGE GROUPING, Chart .

Personnel

CHART III

Combination Grouping	Number of Staff	Number of Children	Ages of Children
NOTE: Ages 0 - 2nd birthday may not be grouped	1	4	0 to 1 year
	1	6	1 to 2 years
	1	8	2 + years
No more than four 2 year olds	1	10	2+
	1	13	3+ years
No more than six 3 year olds	1	15	3+
	1	17	4+ years
No more than ten 4 year olds	1	18	4+
	1	20	5+ years
No more than twelve 5 year olds	1	22	5+
	1	26	6+ years

Personnel

NOTE: Bold face type indicates Multi-Age Grouping. Medium type indicates Basic S/C/R*

In multi-age grouping, if there are more children of the youngest age in the mixed group than allowed (see left column), staff-child ratio must conform to the age of the youngest child as outlined in the STRAIGHT-AGE GROUPING.

Group: A specific number of children (not to exceed staff-child ratio) assigned to one specific staff member. Each child in any group will have the following things in common with every other child in his group:

(1) The same staff member who is responsible for his well being and meeting his basic needs.

(2) The same home base* and/or classroom.

MINIMUM COMPLIANCE

a. Straight age grouping as outlined in Chart I above may be used by any center regardless of capacity.

b. Multi-age grouping as outlined in Chart II above is restricted to those centers, regardless of capacity, where the following conditions exist:

(1) The distribution of ages of children is such as to prevent the establishment of groups by ages as outlined in the straight-age grouping ratio (Chart I); or

(2) Fractional groups remain after implementing straight-age grouping; or

(3) The individual needs of the children require an attention and/or program level different from their straight-age group.

*See Glossary for definition.

c. In any center, regardless of capacity, when the conditions for multi-age grouping exist, multi-age grouping may be used in conjunction with straight-age grouping, as indicated in Chart III above.

d. In centers licensed for 16 or more children, each group, as defined above shall have a separate designated indoor home base.*

e. In centers licensed for 31 children or more, combinations of groups of children as defined above shall be permitted for participation in joint activities of limited duration, usually not to exceed 30 minutes, so long as:

(1) The staff-child ratio is maintained.

(2) The number of children does not exceed the room capacity, with the exception of selected quiet activities, such as watching puppet shows, plays or presentations, and food service.

f. In centers serving 31 or more children, combinations of groups of children, as defined above shall be permitted as a part of the on-going program of the center, so long as:

(1) The staff-child ratio for each group is maintained.

(2) The number of children at no time exceeds room capacity.

(3) The maximum number of children in the combined groups at no time exceeds 35 children.

g. In determining the staff-child ratio the following shall apply:

Personnel

(1) Any person over 14 years of age in the center shall not be included in the child count with the exception of those persons in programs for the mentally retarded whose developmental age is 14 or less regardless of their chronological age.

(2) The director or assistant director in charge of a day care center or a service worker shall be counted in as child care staff only during those hours when he/she gives full attention to care and supervision of the children.

(3) In day care centers licensed for 31 children or more, food service, janitorial functions and special maintenance shall be the responsibility of staff other than those included in the staff-child ratio.

(4) Staff ratios as stated in Standard D 1 above shall be maintained at all times with the exceptions of:

(a) Nap times--children may be under the supervision and surveillance of 50% of the staff-child ratio provided 75% of staff-child ratio is maintained on the premises. For infants, the full staff-child ratio shall be maintained at nap time.

(b) Evening care--See Section VII, Program: Evening Care.

(c) Transportation--See Section VII, Program: Transportation.

(d) Water activities--See Section VII, Program: Water Activities.

(e) For periods not to exceed 45 minutes after opening and 45 minutes prior to closing of the day care center, it shall be permitted to regroup children age two years and above without reference to age. The staff-child ratio for regrouped children shall be that for children age 5+, i.e., 1 staff member to 20 children. (NOTE: Infants less than two years of age shall not be included in regrouping. Specified staff-child ratio shall be maintained for infants.)

h. Staff members working with children shall be free from all other duties except those directly involving the care and supervision of children. Staff members supervising the children will be responsible for duties of the classroom in direct relation to the physical needs of the group. These responsibilities shall include assuring a healthy environment by keeping the group's room or area clean.

i. There shall be a substitute present when a regular staff member is absent. The substitute must meet all requirements set out under Staff Qualifications.

j. No staff member shall work longer than 12 hours in any 24 hour period except in an emergency.

2. Each child shall have an adult staff member, involved in direct child care, whom he can identify as being particularly interested in him and being aware of and able to meet his needs.

MINIMUM COMPLIANCE

a. This staff member shall have available known details about the child, such as his birthday, special interests, habits, relation to others, physical or emotional problems, etc. This staff member shall be responsible for planning for the child's development, communicating with other staff and communicating with his family regularly. Communication with the family may be provided by the director if appropriate.

b. In programs with infant care, one individual shall be specially designated to carry primary responsibility for the care and supervision of a specific group of infants.

c. If children are supervised on a shift basis, primary responsibility for care and supervision of a specific group of infants shall be designated to not more than two individuals. If two individuals are designated, provision shall be made to assure consistency and stability of the relationship.

d. The Plan of Operation shall indicate name(s) of staff assigned to specific groups of infants. This shall be updated as changes are made.

E. TRAINING

1. Training and orientation shall be required for all day care facility staff for the purpose of understanding children and improving job performance.

MINIMUM COMPLIANCE

a. Prior to beginning work, all staff shall be informed about the Minimum Standards for Day Care Centers, the licensing law and the Guides for Texas Day Care. These documents shall be available to staff on on-going basis.

b. On beginning employment, all new staff shall be instructed about the following:

(1) Job expectations (specific and general).

(2) Maintenance and purpose of licensing standards.

(3) Facility understandings with parents.

(4) How to observe and evaluate children for symptoms of illness.

(5) Fire prevention and fire evacuation.

(6) Schedule of activities.

(7) Reporting observations or sharing of information concerning a specific child, his reaction to the group and the group's reaction to the child.

(8) Symptoms of child abuse or neglect and how and to whom to make report on the observation.

c. A signed statement by the staff member or director that the information listed in Minimum Compliance, item a above has been discussed shall be entered in the employee's file and available to the Department upon request.

d. Facilities licensed for 31 children or more shall prepare a written plan for orientation and training of all staff. Such plan shall be approved by the Department.

e. The plan for in-service training is not limited to, but shall include as a minimum, such areas as the study of child growth and development, programs for children and helping children learn self-discipline.

f. Facilities licensed for 31 children or more shall keep a training log with date, name of staff attending, subject(s) discussed, time and who provided or led the training. This log shall be on file at the day care facility and available to the Department upon request.

Building, Grounds and Equipment

A. SPACE

1. There shall be at least 35 square feet of indoor play space for each child present at the center.

MINIMUM COMPLIANCE

a. Floor space shall be measured wall-to-wall using inside dimensions of rooms used for play.

b. Floor space shall be exclusive of kitchen, toilet rooms, office, halls, stairways, storage areas, adult furniture and outdoor equipment stored inside.

c. Floor space shall be exclusive of areas not consistently available to the children for play, such as areas reserved exclusively for napping or eating.

2. The day care facility shall have an outdoor play area which is available to all the children in care.

MINIMUM COMPLIANCE

a. The number of children in the yard shall not exceed the ratio of one child per 80 square feet of usable yard space.

b. The staff-child ratio shall be maintained for groups of children in the play area.

c. The play area shall be well drained and free from sharp objects. Poisonous plants shall be removed. Tanks, ponds, open wells, drainage ditches, sewage disposal equipment and dangerous machinery shall be fenced in to prohibit their access to the children. Garbage receptacles, garbage or highly flammable material shall not be present in the play area. Litter or trash cans shall be permitted.

d. The play area shall be fully enclosed with at least two means of egress. Enclosure shall be achieved by a building or a fence at least four feet high which is strong enough to deter children from leaving the yard or others from entering it readily. Gates shall also be at least four feet high and fastened.

e. Fences and gates shall be free from sharp points.

f. The play area shall have shaded areas during periods of play. Shade may be provided by such things as buildings, arbors, trees and tall shrubs.

g. A yard which is an allocated space within a larger fenced area, such as a school yard, may be used so long as the children's play is not interrupted by non-day care children or adults.

h. Infants shall have an area allocated exclusively for their use when they are in the yard.

i. When the play area does not directly adjoin the indoor facility, it shall be reached by a safe route and plan approved by the Department. The written plan shall be on file at the facility and a copy submitted to the Department.

B. FURNISHINGS

1. The day care facility shall have a telephone with a number listed in the local telephone directory.

MINIMUM COMPLIANCE

A pay telephone shall not constitute compliance.

Building, Grounds and Equipment

2. First aid equipment shall be readily available in the day care center.

MINIMUM COMPLIANCE

a. Equipment shall comply with the list on the Guide for First Aid and Emergency Care, or shall be approved in writing by the American Red Cross.

b. First Aid equipment shall be kept in a designated location.

3. Each child enrolled in the day care facility shall have individual, labeled, comfortable, clean equipment available for sleep or reclining rest.

MINIMUM COMPLIANCE

a. Infants shall have cribs provided.

b. Pre-school age children shall have one of the following:

(1) Cots.

(2) Beds.

(3) Mats which must be at least 1½ inches thick and covered with waterproof, washable material. Where mats are used, floors must be clean, warm and free from drafts and dampness. Storage must be arranged so that the sleeping surfaces of mats do not touch one another.

(4) Cots, mats or beds shall be arranged so that they are separated by a distance of at least one foot on each side and each cot, mat or bed is next to a two foot aisle.

c. School age children shall have arrangements available for rest or nap when their program is full day.

4. Each child enrolled shall have storage available for his wraps, extra clothes and other personal belongings.

MINIMUM COMPLIANCE

a. Infants shall have an area designated for storage of their belongings.

b. Pre-school age children and children with a known need for special care shall have provided individual storage which can be identified by the child. The storage shall consist of at least a hook for wraps and a shelf or container for other belongings and shall be at the child's level.

c. School age children shall have individual storage areas accessible to them and identified for their belongings.

d. Storage for wraps shall be arranged so that wraps do not touch when stored.

5. There shall be a sufficient number of chairs and tables provided to meet the needs of the children.

MINIMUM COMPLIANCE

Children shall have available chairs and tables of a height and size appropriate to the age, size and activities of the children. If the children in a group eat in their classroom or homebase area, then each of the children and the adults eating with the children must have chairs and table space.

C. EQUIPMENT

1. The children shall have a sufficient amount and variety of materials and equipment which are appropriate to their developmental level. Materials and equipment shall be at child level and available to the children.

Building, Grounds and Equipment

NOTE: Equipment need not be of the purchased, commercial type. Use of home-made equipment shall be permitted so long as it is durable, safe and of a size and weight suitable for children.

MINIMUM COMPLIANCE

a. Infants ages 0-1 year shall have available and be provided with the following:

(1) Toys such as cradle gyms, rattles and soft toy animals.

(2) Colorful mobiles and pictures.

(3) Music and household sounds.

No toy shall be small enough to swallow.

b. For children 1 to 3 years of age, the following equipment shall be available and provided to the children:

(1) Two blocks per child in the group for building experiences. These shall be of cardboard, hollow plastic or other safe construction.

(2) Transportation toys such as boats, trucks, planes and trains, so that a ratio of one toy per child ages 1 to 3 years is maintained.

(3) Accessory toys such as figures of animals and people, including washable rag or yarn dolls to number one per child.

(4) Manipulative equipment such as simple 1 through 4 piece wooden puzzles, drop-in toys, stacking toys and textured toys, shall number one toy per child.

(5) Books of cloth or other sturdy construction with bright pictures, shall number one for each child in the group.

(6) Homemaking equipment which shall include but not be limited to such items as play telephones, tea sets, plastic fruit or vegetables, brooms and mops.

(7) Music equipment which shall be available and may be shared by other groups. Music equipment may include such items as drums, bells, maracas, records and record player, tapes and tape recorder, music boxes and piano.

(8) Art supplies such as finger paint made from food coloring, crayons, paste, playdough and paper shall be available for use by 1/3 of the group at the same time.

(9) Equipment such as push-pull toys, shall number one per child.

(10) Wheel toys (indoor and outdoor) such as tricycles and wagons shall number one for every three children.

Climbing experiences shall also be provided.

c. For children 3 years old and older, there shall be interest areas identified in the indoor play area(s)* so that **at least three children** can use the same type of equipment at the same time. The equipment and materials shall include the following, as a minimum:

(1) One set of wood blocks of various sizes and shapes in sufficient quantity to allow a ratio of at least 20 blocks per child building in the building area. Of these blocks, at least one half shall be wood floor blocks.

(2) Transportation toys and block accessories such as boats, trucks, planes, trains, figures of people and animals, so that a ratio of one toy per child age three and one toy per two children ages four through six is maintained.

*See Glossary for definition.

Building, Grounds and Equipment

(3) Equipment such as wooden puzzles, lotto, drop-in toys and counting blocks to number two toys per child in the group. Each group shall have a flannel board and figures.

(4) Books to number one for each child in the facility age three and older. Provision shall be made to display the children's original art work, some of which shall be placed at the children's eye level. Wall pictures shall reflect the children's interests.

(5) Equipment for **dramatic play** for each group to include at least two dolls with clothes, a child-sized stove, unbreakable doll dishes, a broom, a toy iron, two telephones, a mirror of unbreakable material or securely mounted and dress-up clothes for both sexes. Appropriate accessories for domestic play shall be included, such as puppets, tents, stores and props as found in the community.

(6) Simple equipment for science experiences such as a large magnifying glass, a growing plant or sprouting seeds shall be available to each group of children for observation and experimentation. Other science experiences such as a sea shell collection, aquarium or an animal in a cage may be made available to each group.

d. Music equipment such as a piano, drums, bells or other musical instruments shall be available. A record player and records or tape recorder and tapes shall be available. Records or tapes shall reflect the interest and development stage of each age group in the center.

e. Art supplies, tempera paint, crayons, scissors, paste, clay, finger paints and paper in sufficient quantity shall be available to allow at least 1/3 of the largest group to participate at one time.

f. Equipment shall be chosen so that as children mature and progress from group to group they will have different and interesting challenges as well as some familiar items.

g. Play equipment and materials from each category above shall be accessible to the children. Play equipment and play materials shall be arranged at child level so that children may select and return equipment and move easily from one activity to another without help or direction. **NOTE:** Expendable supplies, such as art supplies, paints and clay or breakable items such as record players or tape players may be stored above child level but available to the child upon request.

h. Equipment and materials shall be re-arranged in the room and rotated (stored or moved from group to group) as the children show lessening interest.

2. There shall be sufficient outdoor equipment in relationship to the number and ages of children in care to accomodate the physical and other developmental needs of the children served.

MINIMUM COMPLIANCE

a. There shall be sufficient outdoor equipment so each child may be engaged in an activity of his choice.

b. There shall be interest areas identified in the yard and equipped so that at least three children can play in an area or use the same type of equipment at one time. At a minimum, the yard shall contain:

(1) Large muscle equipment such as boxes, boards, tires, barrels, ladders and climbing apparatus.

Building, Grounds and Equipment

(2) Gardening, other nature experiences and science experiences. A digging or a sand area or both with equipment such as scoops, strainers, pails and funnels.

(3) Transportation toys such as wagons and wheelbarrows, tricycles and other riding equipment if the yard permits their use.

(4) Equipment to be used as accessories for play such as lengths of hose, outdoor blocks, saw horses, small stack boxes, a filling station and equipment such as balls and stick horses to be used for games or developing skills

(5) Areas designated for special activities or activities ordinarily thought of as being done indoors.

3. Indoor and outdoor equipment and supplies shall be free from hazards, be of safe construction and in good repair when made available to the children.

MINIMUM COMPLIANCE

a. Broken items shall be repaired immediately or removed from areas used by the children.

b. Stationary outdoor equipment such as large climbing apparatus, swings and slides shall be located away from traffic areas in the play yard and securely anchored, unless designed to be portable.

c. Swing seats shall be made of soft or flexible material.

4. Staff and other adults shall have supplies and equipment available to meet their needs.

MINIMUM COMPLIANCE

a. Storage away from the children shall be supplied for the adults' personal belongings.

b. Adult size seating shall be available for adults to use for such things as rest and meetings with other staff or parents.

c. Centers licensed for 100 children or more shall have resource materials such as pamphlets on child development, music and other program areas available for staff study.

d. Toys, furnishings and equipment shall be free of sharp edges, rusty or loose parts and poisonous surfaces.

D. TOILETING ARRANGEMENTS

1. Children shall have available sufficient equipment to have their toileting needs taken care of promptly, conveniently and safely.

MINIMUM COMPLIANCE

a. Bathrooms used by all age children shall be located inside the day care facility.

b. Infants and pre-school age children shall have:

(1) Bathrooms which are located and designed to permit supervision by a staff member. No locks shall be on the inside doors of bathrooms used by pre-school children except those latches placed at the very top of doors which cannot be reached even by children standing on equipment.

(2) Toilets and lavatories child size in height or adjusted by use of safe platforms or seat adapters.

c. School age children shall have provision made for privacy in use of bathroom facilities. Separately labeled bathrooms with booths constitute compliance, as does a single bathroom with a reversible boy/girl sign.

Building, Grounds and Equipment

2. The ratio of children to toilets shall be established as outlined in the chart below.

MINIMUM COMPLIANCE

a.

Number of Children	Number of Toilets
1 - 15	1
16 - 30	2
31 - 45	3
46 - 60	4
61 - 75	5
76 - 90	6
91 - 105	7
106 - 120	8
121 - 135	9
136 - 150	10
151 - 165	11
Etc.	

Potty chairs may be available for use by children three years of age and under. However, these shall not be counted as toilets in the child-toilet ratio. Children using potty chairs shall be counted in the child-toilet ratio.

b. Potty chairs shall be emptied and washed with soap and water after each use.

3. The ratio of children to lavatories shall be established as outlined in the chart below.

MINIMUM COMPLIANCE

a.

Number of Children	Number of Lavatories
1 - 15	1
16 - 30	2
31 - 45	3
46 - 60	4
61 - 75	5
76 - 90	6
91 - 105	7
106 120	8
121 135	9
136 150	10
151 165	11
Etc.	

b. Children shall wash their hands after using the toilet and before meals.

c. In new construction begun after the effective date of these standards, a lavatory shall be provided in any area designated for infant care.

4. Any facility licensed for more than 100 children shall have at least one separate staff bathroom.

MINIMUM COMPLIANCE

a. A structurally separate bathroom for staff shall constitute compliance.

b. Privacy available through a locking door in a single toilet bathroom or enclosure in a booth of at least one adult size toilet in a multiple toilet bathroom shall also constitute compliance.

E. USE OF FACILITY

1. While the day care program is in operation, the day care area shall not be used by persons engaged in activities unrelated to day care.

NOTE: When a day care program is located in a church, it is understood that the facilities will be used for normal church activities.

MINIMUM COMPLIANCE

a. Programs for children which are unrelated to day care and use common areas required for the licensed day care program shall meet all standards for day care, or

(1) Shall have separate entrances or exits from day care rooms or areas but may share a common hall.

(2) Shall have separate indoor activity rooms.

Building, Grounds and Equipment

(3) Shall schedule use of outside yard at times when not in use by day care children.

(4) Shall not interrupt food schedule for day care children if a common kitchen is used.

(5) Shall provide separate toilets and lavatories for children in the non-day care programs unless children in the non-day care programs have the medical records required in the Minimum Standards for Day Care and the toilet-lavatory ratio is met for the total number of children in both the day care program and the non-day care program.

b. When the children in non-day care programs are gone from the premises, day care children shall be allowed to use the other program's rooms for particular purposes such as lunch, naps and play.

c. Programs for adults and/or teenage children shall meet compliance (1) through (4).

2. When the day care program is not in operation, the day care area shall be used for other purposes only when there is no interference with the continuation of the day care program.

NOTE: When the day care program is located in a church, it is understood that the facility will be used for normal church activities.

MINIMUM COMPLIANCE

a. Activities shall not interfere in any way with day care.

b. Preparations for the other activity shall not be made in the day care area while the day care program is in operation.

c. The day care area shall be in order before the day care staff and children return to the facility.

Fire, Sanitation and Safety

A. FIRE

1. All day care facilities shall comply with applicable fire and safety codes, laws, ordinances and regulations.

MINIMUM COMPLIANCE

a. Copies of all current and unexpired inspections or clearances from authorities responsible for the above shall be posted in a conspicuous place in the facility. Copies of the above shall be submitted to the Department upon request.

b. All fire extinguishers shall be inspected and serviced at least once a year, and maintained in a location available to staff. Facility staff shall be instructed in the location and use of fire extinguishers.

c. In case of danger from fire, no matter how slight, the first and primary responsibility of facility staff is the evacuation of the children.

2. The structure and use of the building shall permit children rapid and safe exit from the facility.

MINIMUM COMPLIANCE

a. The design of the building shall permit the evacuation of all children within three minutes in an emergency unless otherwise approved by the local fire marshal. Centers two or more stories in height must have at least one interior and one exterior stairway from each floor above the first unless otherwise approved by the local fire marshal. Exterior escapes must be of non-combustible construction and be located as specified below.

b. At least two sides of the building shall have exits in the most accessible locations that provide opposite directions of travel and open directly to the outside.

c. Doors opening into the fenced yard and doors between rooms used by the children shall not be locked while children are on the premises.

d. Doors and pathways shall be clear of equipment which obstructs the movement of children and adult staff.

3. Fire safety training and education shall be practiced.

MINIMUM COMPLIANCE

a. A fire evacuation plan shall be posted in each room used by children.

b. Fire drills shall be held a minimum of once a month and at different times of the day.

c. All staff members, substitutes, volunteers and children shall participate and be proficient in fire drill exercises.

d. The telephone number of the fire department shall be conspicuously displayed near the telephone.

e. A staff member who knows the location of utility cut-offs shall be on the premises at all times of operation.

f. The person administratively responsible for the day care center shall report all fires, however small, to the Department.

4. Heating devices and their adjacent areas shall present no fire hazards.

Fire, Sanitation and Safety

MINIMUM COMPLIANCE

a. All gas appliances, unless otherwise approved by the State fire marshal, shall have metal tubing and metal connections.

b. Open flame space heaters are prohibited. All space heaters shall be of the enclosed type and bear the seal of approval of a nationally recognized test laboratory as approved by the fire marshal.

c. Space heaters designed to be vented shall be properly vented to the outside atmosphere, as approved by the fire marshal.

d. Wood burning or gas-log fireplaces shall not be in use during hours of operation.

e. All gas piping in existing or future planned child care facilities shall be tested at least annually for gas leaks by a licensed and bonded plumber or a gas company representative. A copy of the test report shall be presented to the Department as evidence of such test certifying that all gas piping is free of leaks.

f. Light bulbs in closets and storage areas shall be protected by a bulb guard.

B. SANITATION

1. A day care facility shall comply with all applicable State and local building codes, health and safety laws, ordinances and regulations.

MINIMUM COMPLIANCE

a. Copies of all current and unexpired inspections or clearances from authorities responsible for the above shall be posted in a conspicuous place in the facility.

b. Copies of inspections or clearances shall be submitted to the Department upon request.

2. The day care facility's building, grounds and equipment shall be cleaned, repaired and maintained as needed to protect the health and safety of the children and staff.

MINIMUM COMPLIANCE

a. Appropriate procedures for regular cleaning and routine maintenance are evidenced by a clean establishment maintained in good repair. Toys, table tops, furniture, cots, mats and other equipment used by children shall be washed regularly and as often as they become sticky or contaminated with matter such as food or body secretions. Cleaning with soap and water followed by adequate drying constitutes compliance.

b. The day care facility shall have the necessary cleaning and maintenance equipment with storage facilities unless the center contracts with a janitorial service.

c. Cleaning equipment, cleaning agents, aerosol cans and other hazardous chemical agents shall be stored out of reach of children.

d. Janitorial functions* shall not be done when rooms are occupied by children. Limited cleaning to allow continuation of activities shall be permitted.

e. All facilities, furnishings and equipment used by an ill child or a child suspected of having a communicable disease shall be properly cleaned with soap and water.

*See Glossary for definition.

f. Cots and mats used by any child or adult shall be thoroughly cleaned and linens (when used) washed before being allocated for another child's use.

3. There shall be adequate light, ventilation and heating in the facility.

MINIMUM COMPLIANCE

a. Light shall be sufficient to prevent eyestrain and controlled to limit glare. When there is a question of adequacy of lighting, consultation from such sources as the Texas State Deparment of Health shall be obtained.

b. The temperature in the indoor areas including bathrooms, used by children shall be maintained at a temperature no lower than 68°F. and no higher than 80°F. Each room or area used by the children shall have a room thermometer. The thermostat reading of a central heat and air conditioning system constitutes compliance for the room in which it is located.

c. All rooms shall be adequately ventilated as evidenced by the absence of objectionable levels of odor and humidity.

d. If windows and outside doors remain open, they shall be screened and secured.

4. An adequate supply of water under pressure which meets the bacteriological, chemical and physical requirements of the Texas State Department of Health regarding drinking water shall be provided. Whenever possible, the source of water supply to day care centers shall be from an existing public drinking water system.

MINIMUM COMPLIANCE

a. Day care centers shall have hot and cold running water. Water temperature of water available to children shall be controlled by thermostat and allowed to go no higher than 120°F.

b. Water shall at all times be available to children. It shall be supplied to the children by means of:

(1) Drinking fountains with a guarded, angular stream from the fountain head, or

(2) Glasses which are used by only one child between washings, or

(3) Single service cups which are used by only one child and which are used only once.

c. Adequate and safe sewage facilities with flush toilets shall be provided. Whenever possible, day care centers shall be connected to a public sewage system. Where public sewers are not available, adequate treatment facilities meeting the standards of the Texas State Department of Health and approved by the local health authority shall be installed to dispose of sewage.

5. All garbage shall be kept outside the areas used by children and in receptacles covered tightly with lids.

MINIMUM COMPLIANCE

a. Provision shall be made to provide receptacles for daily cleanup.

b. Waste shall be removed from the premises a minimum of twice per week.

c. Garbage containers designed for re-use shall be washed and cleaned as necessary to prevent odors and accumulation of waste material on the sides and bottoms of containers.

6. Insects and rodents shall be controlled.

Fire, Sanitation and Safety

MINIMUM COMPLIANCE

a. Standing water shall not be allowed on the grounds, and the premises shall be free of garbage and rubbish which may provide homes for rodents or contribute to mosquito or fly breeding. When insects, rats or other rodents are known to be on the premises, definite action shall be taken for their eradication.

b. Pesticides shall not be used while children are in the facility. If rodenticides are used they shall be removed before children enter the facility.

C. SAFETY

1. Building, grounds and equipment shall be hazard free.

MINIMUM COMPLIANCE

a. In rooms used by children, electrical outlets shall have child-proof protective covers or special safety outlets.

b. Electric fans shall be securely mounted out of children's reach or have adequate safeguards which prevent children from contacting the fan blades.

c. Window air conditioning units shall be constructed in such a way that children may not have access to working parts. In those instances where the 220 window unit connections are within reach of any child in the center, a screen, or guard, attached securely, shall protect the connections.

d. Indoor floors and steps shall have a non-slippery surface without splinters and be dry when they are in use by the children. Outdoor steps shall have a non-slippery surface.

e. All stairs and porches over two feet above the grade level shall have railings which the children can reach.

Physical Health

A. HEALTH REQUIREMENTS FOR ADULTS

1. Adults who may endanger the health and well-being of the children shall not be present in the day care facility.

MINIMUM COMPLIANCE

a. Staff members, volunteers, visitors or parents with symptoms of any communicable disease, physical or mental illness, or whose behavior reflects the use of alcohol or the abuse of drugs shall not be allowed to remain on the premises of the day care center.

b. Smoking shall not be permitted in areas or rooms where children are present.

B. HEALTH REQUIREMENTS FOR CHILDREN

1. Evidence shall be required that a child in a day care center is physically able to participate in the day care program.

MINIMUM COMPLIANCE

Evidence of the general state of each child's health shall be presented by the child's parent upon the child's admission to the day care facility, or shortly thereafter, as described below. One of the following shall constitute compliance:

a. A written statement from a physician duly registered and licensed under the Medical Practice Act or practicing on a U. S. Military installation shall be submitted to the director within a week of the child's admission. The statement shall certify that the child has been examined by the physician and is able to participate in the day care program.

b. A copy of the medical screening form of the Early and Periodic Screening, Diagnosis and Treatment program shall constitute compliance so long as the completed medical screening form indicates that no referral for further diagnosis and treatment is necessary.

c. A written statement from a physician duly registered and licensed under the Medical Practice Act or practicing on a U. S. Military installation shall be submitted to the director within a week of the child's admission when an EPSDT screening form is not available or when the completed medical screening form indicates that a referral has been made for diagnosis and treatment subsequent to screening. This statement shall certify that the child has been examined by the physician and is able to participate in the day care program.

d. If the parent cannot secure the required evidence within the time stated above, a statement signed by the parent giving the date of an appointment to secure such evidence shall constitute compliance pending the securing of the designated evidence. This statement shall contain the name and address of the physician with whom the appointment has been made, or the address of the Early and Periodic Screening Diagnosis and Treatment site which will be utilized.

e. A signed statement from the parent or guardian that medical diagnosis and treatment conflicts with the tenets and practices of a recognized church or denomination of which he is an adherent or member shall constitute compliance.

2. The child shall have appropriate immunizations.

MINIMUM COMPLIANCE

One of the following regarding the child's immunizations shall be submitted to the director at the time of the child's enrollment:

a. The person applying for the child's admission must present a written and dated statement that the child has been immunized against diptheria, tetanus, pertussis, poliomyelitis, measles and rubella. This statement must be a rubber-stamp or signature document from a physician or health clinic and must specify by dosage, the immunization status of the child. For complete immunizations, see Appendix III.

b. A written and dated statement from a physician duly registered and licensed under the Medical Practice Act or practicing on a U. S. Military installation or health personnel in which it is stated that immunizations against at least one of the aforementioned diseases has been started, and that all immunizations will be completed as soon as is medically feasible. A written statement from the physician or health personnel when the immunization cycle has been completed is also necessary.

c. A written and dated statement signed by a physician, duly registered and licensed under the Medical Practice Act, or practicing on a U. S. Military installation in which it is stated that, in the physician's opinion, the immunization required would be injurious to the health and well-being of the child or his family.

d. A written and dated statement signed by the parent or guardian of the child stating that the vaccination or immunization conflicts with the tenets and practice of a recognized church or religious denomination of which the applicant is an adherent or member.

e. All facilities are required to retain individual immunization records on each child admitted. Such records must reflect the immunization status of the child by age and number of doses required by law and shall be on file at the facility as long as the child is enrolled. Immunization records shall be open for inspection by the State Department of Public Welfare at all reasonable times.

3. The child in a day care center shall have been tested for tuberculosis with appropriate follow-up.

MINIMUM COMPLIANCE

Evidence that each child has been tested for tuberculosis with appropriate follow-up shall be presented by the child's parent upon the child's admission to the day care center. One of the following shall constitute compliance:

a. A report of a skin test of tuberculosis with appropriate follow-up.

b. A negative chest x-ray.

4. The child who appears ill shall not be admitted to the day care facility unless approved by health personnel.

MINIMUM COMPLIANCE

The director shall be responsible for providing for daily observations of symptoms of illness upon the child's arrival at the facility. Should symptoms of illness be observed, the child shall not be admitted unless such admission is approved by health personnel.

C. ILLNESS OR INJURY

1. The handling of illness in the day care facility shall comply with requirements to insure the health of all children in the center.

Physical Health

MINIMUM COMPLIANCE

a. Admission or readmission to the facility of any child after a communicable disease shall be allowed providing the recommendations by the Texas State Department of Health for non-communicability have been followed.

b. Admission or readmission to the facility of any child after a disabling illness shall be allowed upon receipt of a signed statement from the health personnel responsible for the child's health.

c. When an apparently ill child is observed in the day care facility, the following procedures shall be observed:

(1) The child shall be provided with a bed or cot isolated from the other children.

(2) The child shall be under staff surveillance until he leaves the facility.

(3) The child's parents shall be called immediately.

(4) The child shall be given approved first aid when needed.

d. In the case of a critical illness or injury, the physician designated by the parent shall be called. If indicated, the child shall be transported to the nearest emergency room.

2. The day care director shall notify the Department or the local law enforcement official immediately by telephone when it appears that a child is being neglected or abused.

MINIMUM COMPLIANCE

See Appendix II - Family Code.

D. MEDICATIONS

1. Medications and special medical procedures shall be administered to a child in the day care facility only on the written, dated and signed request of a licensed physician or the parent or guardian of the child.

MINIMUM COMPLIANCE

a. Prescription medication shall be in the original container, labelled with the child's name, a recent date, instructions and the physician's name.

b. **All** medications shall be kept out of the reach of children or in a locked storage area.

c. Medication shall be refrigerated if indicated, and separated from food in a designated container.

d. Medication shall be removed from the premises when it is no longer being used (i.e., returned to the parents when the medication cycle is complete).

e. Medication of a child who has left the center shall be disposed of properly.

f. Non-prescription medication such as aspirin, cough syrup, nose drops or kaopectate shall be labelled with the child's name and a recent date. Such medication shall be administered to the child only on written authorization by health personnel or the child's parent or guardian.

E. EMERGENCY PHONE NUMBERS

1. Emergency telephone numbers shall be available by a specified telephone which is readily accessible to all staff members in the day care facility.

MINIMUM COMPLIANCE

a. The following telephone numbers shall be posted by the emergency telephone:

(1) Licensed physicians available in an emergency.

(2) Ambulance service.

(3) Police department.

(4) Fire department.

b. Other emergency numbers shall be available near the telephone.

These numbers shall include:

(1) The number of the physician designated by the parents or guardians.

(2) Home and business numbers of the parents or guardians or person(s) responsible for the children.

(3) Emergency numbers to notify family and/or physician of staff members.

(Enrollment information or health forms kept in a readily accessible location constitute compliance.)

F. PETS

1. Pets kept by the day care facility shall be permitted only in accordance with State and local regulations.

MINIMUM COMPLIANCE

a. Animals shall be allowed as permitted by local health codes.

b. They and their living quarters shall be kept clean and free of ectoparasites. Pens shall be cleaned a minimum of once each 24 hours and droppings disposed of properly.

c. Pets shall be allowed with children only with staff supervision and for short periods of time.

d. Pets shall be kept and handled so as to protect the well-being of both children and pets.

e. Pets shall be vaccinated against diseases which present a hazard to the health of the children and staff.

f. Pets shall not be permitted in food preparation and dining areas.

g. Pets suspected of being ill or infested by vermin or parasites shall be kept isolated from children and children's play area.

h. Pets with offensive odors shall be kept isolated from children and children's play area.

i. Poisonous reptiles, large constricting snakes or poisonous insects may not be considered as pets and may not be kept on the premises of a child care facility.

j. Exotic or game animals may not be considered as pets and may not be kept on the premises of a child care facility.

k. Animals considered dangerous or unsuitable as pets by State or local health inspectors may not be kept on the premises of a child care facility.

Food Service and Nutrition

A. FOOD SERVICE

1. All food and drink shall be of safe quality.

MINIMUM COMPLIANCE

a. Food must be purchased from approved sources considered satisfactory by Federal, State or local authorities and shall be stored, prepared, distributed and served only under safe and sanitary conditions.

b. There shall be no reconstitution of powdered dry milk for drinking purposes or mixing with Grade A milk for drinking purposes. Reconstituted powdered dry milk shall be used only for cooking purposes.

2. All food and drink shall be stored in such a way as to prevent spoilage.

MINIMUM COMPLIANCE

a. Food supplies shall be stored appropriately as soon as they are delivered. Foods shall be protected from contamination from any source through proper wrapping or enclosure in appropriate containers with tight fitting lids.

b. Meats, fish, poultry, eggs, dairy products and cooked foods shall be frozen or refrigerated below 40°F.

c. All food shall be protected from insects, rodents and other contaminants.

d. Refrigerators and freezers must be maintained in a clean and sanitary condition. All foods stored in refrigerators and/or freezers shall be properly wrapped or in proper containers with tight fitting lids, labeled and dated. Thawing of frozen foods must be done under refrigeration or running water, and the foods must be used within 48 hours.

e. When cleaning supplies are stored in the same room as food, these supplies must be clearly marked and kept separate.

3. All food and drink shall be prepared and served so that sanitary cooking methods are insured, nutrients retained and spoilage prevented.

MINIMUM COMPLIANCE

a. Food service personnel must be trained in and practice hygienic food handling techniques. Smoking in any part of the food preparation, service and storage areas shall be forbidden at all times.

(1) Food service personnel shall at all times have clean well trimmed fingernails and clean hands.

(2) Personnel with any symptoms of communicable diseases or with open or infected wounds may not work in the food preparation area.

b. Food and meals shall be planned, prepared and served in such a manner as to meet nutritional requirements and to provide bacteriologically safe, clean foods.

(1) Too early preparation resulting in long standing of prepared foods shall be avoided. Cooking in small batches shall be used wherever possible.

(2) Procedures must be established and followed and equipment available and properly used to expedite the most efficient meal service and to keep foods at proper temperature during all phases of meal preparation and service. Cold foods shall be 40°F or lower and hot foods 140°F or above when served. These temperature levels shall also be adhered to for storage and/or for holding of foods.

Food Service and Nutrition

c. Food shall be served promptly and refrigerated immediately after service is completed.

(1) Perishables and leftover foods should be protected as outlined in A-2a above and used within 48 hours. Dry stores, once opened, shall also be so protected from contamination, deterioration and/or spoilage.

(2) Refrigerated perishable foods portioned to serving dish or container prior to actual meal service shall be covered and returned to refrigerator for holding.

d. Sufficient foods shall be prepared for each meal with adequate quantity included to allow for seconds.

e. When food is transported from the preparation area to the service area it shall be transported by methods approved by the local health offices. Food requiring refrigeration shall be served promptly or refrigerated.

4. Area and equipment used for the storage, preparation and service of food shall be adequate for the needs of the center and shall be kept clean.

MINIMUM COMPLIANCE

a. Where food is prepared on the premises, there shall be adequate equipment for the size of the program. Kitchen equipment shall include a refrigerator and a stove and/or oven.

b. The entire food preparation area shall be cleaned after each use. Food preparation equipment shall be cleaned after each use and stored in a clean and sanitary manner.

(1) All food work and food preparation area surfaces must be of a material which can be sanitized and maintained in a clean, safe manner.

(2) Floors and shelving shall be of easily cleanable material and be cleaned as part of a regularly scheduled assigned cleaning program.

c. Reusable food service equipment, including infant feeding equipment, shall be properly washed and sanitized by **one** of the following methods:

(1) Utensils shall be completely immersed in hot water and maintained at a temperature of 170°F for not less than three minutes or 180°F for two minutes.

(2) One and ¼ teaspoon of chlorine bleach shall be used for each gallon of water at lukewarm temperature during the final rinse.

(3) One-half teaspoon iodine shall be used for each gallon of water at lukewarm temperature.

(4) Quaternary ammonium compounds or acid sanitizer compounds may be used according to directions on the officially approved label.

(5) If utensils are machine washed, final rinse water shall be at least 180°F.

(6) Other methods may be used if approved by the local or State health department.

d. Single service type articles such as napkins, bibs, dishes and utensils shall be discarded after use.

Food Service and Nutrition

e. Washable napkins, bibs and tablecloths shall be laundered after each use.

NOTE: Care shall be exercised **never** to combine chlorine products with ammonium compounds.

B. NUTRITION

1. Adequate kinds and amounts of foods shall be served to children to insure their nutritional well-being.

MINIMUM COMPLIANCE

a. No food will be brought into the center by a child or parent with the exceptions of food for special occasions, infant formulas, baby foods and special diets.

b. Food and/or beverages shall not be sold or bought for the children from a snack bar or vending machine except during excursions away from the center.

c. Vending machines shall not be allowed in the day care area.

d. Daily menus, including breakfasts and evening meals, when applicable, shall be planned at least one week in advance, dated and plainly posted in the day care center. Any substitution shall be of comparable food value and recorded on the menu.

e. Regular meals and mid-morning and mid-afternoon snacks shall be provided by the center and served or offered to all children present. A nutritious snack includes such foods as milk, meat, peanut butter, fruit, vegetables; or juice, cheese or other foods which contain a substantial amount of protein, vitamins or minerals.

f. A hot meal shall be served a minimum of four times a week. This applies to both day care and evening or night care.

g. There shall be no more than 4 nor less than 2 hours between food services during the operation of the day care program. The mid-day meal shall not be served before 11:00 a.m. The evening meal shall not be served before 5:00 p.m. There shall be no more than 14 hours between food services for children in a night care program.

h. Children shall be offered additional servings of foods. The main dish may be exempt from this requirement when the first serving fulfills the nutritional requirement as outlined below.

i. A child in the day care center for 5 to 8 hours of the 24 hour period of the day shall be served 1/3 of his daily food needs. A child in the day care center for 8 hours or longer shall be served 1/2 to 2/3 of his daily food needs. This is not applicable to the child who arrives after the evening meal is served and who leaves prior to service of the morning meal.

j. The following pattern for meals and snacks shall be used for meeting 1/3 of the recommended daily allowance of the National Research Council for children 2-6 years of age who are not in the day care center longer than 8 hours. Other meal and snack patterns may be used if they provide amounts and kinds of food which meet the National Research Council recommended allowances.

(1) 3/4 cup (6 oz.) milk (one through three years of age).

One cup (8 oz.) milk (four through six years of age).

(2) One oz. (two tablespoons) cooked meat, fish, poultry, cheese; or one egg or vegetable protein (alone or in combination with other meat).

Food Service and Nutrition

(3) Vegetables and fruits, 2 or more 1/4 cup servings (One fruit or vegetable should be dark green or yellow.)

(4) One slice of bread or 1/2 cup of cereal, enriched or whole grain (one through three years of age); 1 1/2 slices of bread or 3/4 cup cereal, enriched or whole grain (four through six years of age).

k. In order to meet 2/3 of the recommended daily dietary allowances, a center should provide, in addition to the above:

(1) 2/3 cup milk;

(2) 1/4 cup vegetable or fruit;

(3) One slice bread or 1/2 cup cereal, enriched or whole grain; and

(4) One oz. meat.

2. Infants under six months of age shall be fed an infant formula or diet according to the plan prescribed by the child's physician or authorized in writing by the child's parent.

MINIMUM COMPLIANCE

a. When the formula is provided by the parent of the child, the following shall be observed.

(1) Nipples of bottles shall be covered to avoid contamination.

(2) Bottles should be clearly marked to indicate the child who is to receive the formula.

(3) Formula should be stored appropriately immediately upon being brought to the center.

(4) Formula found to be spoiled shall be discarded and the parent notified immediately.

(5) Written feeding instructions shall be dated and signed by the parent. These instructions shall be updated monthly.

(6) Feeding problems and/or failure to thrive in young infants shall be discussed promptly with the parents.

b. When the formula is provided by the day care center, care shall be taken in its preparation, including proper sterilization techniques and storage to safeguard the health of the child.

3. Infants above the age of six months shall be offered a diet consisting of milk or formula, cereal, fruits, vegetables and meats in sufficient amounts to meet their daily food needs.

MINIMUM COMPLIANCE

a. See Standard B1, Minimum Compliance i, j and k.

b. Amounts served to infants under one year of age may be slightly less than the examples in Standard B1, Minimum Compliance i and j.

4. Children of any age shall be encouraged, but not forced to eat.

MINIMUM COMPLIANCE

a. Meals shall be conducted in a relaxed atmosphere conducive to good eating habits.

b. Good eating habits shall be recognized and praised.

Food Service and Nutrition

5. School age children who are in the facility shall be served regular meals and snacks when the children are present at the time meals or snacks are served.

MINIMUM COMPLIANCE

a. Opportunity shall be made for school age children present in the facility and leaving the center for school to be served breakfast.

b. School age children present at mid-day shall be served lunch.

c. School age children present after school shall be served a nutritious snack. (See Standard B1, Minimum Compliance e.)

Program

A. PROGRAM OPERATION

1. A program of planned activities shall be provided for each group according to the age, interest and capabilities of the children.

MINIMUM COMPLIANCE

The program shall be flexible and shall promote the physical, emotional, social and intellectual growth of each child. To assist in meeting the standard, a written daily schedule shall be posted or maintained in each staff member's lesson plan book for each group of children which provides for:

a. Physical care routines, including:

(1) Regular eating times – as outlined in Section VI, Food Service and Nutrition.

(2) A supervised nap or rest period on individual cots, mats or beds for preschool and kindergarten children after the noon meal. There shall not be an unreasonably long nap or rest period, typically not longer than two hours. Rooms shall not be completely darkened during nap time.

(3) Toileting as needed, with adult assistance as necessary, plus regular group times preceding outdoor, lunch and nap times.

b. Developmental activities, including:

(1) Outdoor periods of at least 1/5 of time in care daily (except when there are special reasons for a child to remain indoors or the weather is unsuitable) to provide opportunities for experiences as outlined in Section III, Building, Grounds and Equipment. Both teacher-directed and free choice activities shall be available during the outdoor period throughout the week.

(2) Indoor periods to provide opportunities for experiences as outlined in Section III, Building, Grounds and Equipment through:

(a) Alternating active and quiet activities,

(b) Opportunity for individual, small and large group activities, and

(c) Large blocks of time.

2. When field trips or excursions are provided, provision shall be made to assure the safety of the children.

MINIMUM COMPLIANCE

a. Pre-school children shall wear identification tags on field trips and planned excursions away from the facility.

b. Children shall be accounted for before and after field trips and planned excursions by taking roll or head count.

c. Additional staff shall accompany children on field trips. Parents or volunteers may be counted as this additional staff.

B. DISCIPLINE

1. Discipline and guidance shall be consistent and based on an understanding of the individual needs and development of a child and shall be directed toward teaching the child acceptable behavior.*

MINIMUM COMPLIANCE

Child(ren) in a day care center shall:

a. Have good behavior recognized and encouraged.

b. Be taught by example through use of fair and consistent rules and in a relaxed atmosphere with discipline relevant to the behavior involved.

c. Be supervised by staff showing an attitude of understanding but firmness.

d. Be given clear directions and provided guidance on the child's level of understanding.

e. Be held firmly if behavior is such to harm self or others.

f. Be redirected by stating alternatives when behavior is unacceptable. (Examples: "Blocks are for building, not throwing - try throwing this ball.")

g. Be helped to understand why their conduct is unacceptable and what is acceptable in a given situation.

h. Not be subjected to punishment of a physical nature such as shakings, striking, spanking or cruel treatment.

i. Not receive punishment associated with food, rest, toilet training or isolation for illness. Bedwetters shall not be treated in a punitive manner or shamed, but shall be offered concern and understanding.

j. Not be subjected to punishment of a psychological nature such as humiliation, derogatory or sarcastic remarks about himself or his family, loud or profane language or actual or implied threats of physical punishment.

*See Appendix IV.

C. INFANT CARE

1. Children under the age of two years shall be in an environment which protects them from physical harm and which stimulates physical, intellectual, emotional and social development.

MINIMUM COMPLIANCE

a. Infants shall receive care in rooms and outdoor play areas separate from other children in the facility.

b. Children over two years of age shall not use rooms designated for infant use.

c. For outdoor play areas, see Section III, Building, Grounds and Equipment.

2. Infants who have not yet begun to climb shall have cribs or baby beds.

MINIMUM COMPLIANCE

a. Each infant is to have his own sleeping equipment.

b. Cribs or baby beds shall have a waterproof mattress covered by a crib sheet.

c. Mobile children under two may sleep on a low cot or mat if they are ready to stay on it.

3. Infants shall be fed according to a plan.

MINIMUM COMPLIANCE

a. Infants under six months of age shall be fed the infant formula or diet according to the plan prescribed by the child's physician or authorized in writing by the child's parent.

b. Infants above the age of six months shall be offered a diet consisting of milk or formula, cereal, fruits, vegetables and meats in sufficient amounts to meet their daily food needs. (See Section VI, Food Service and Nutrition, for additional information.)

c. When an infant shows evidence of wanting to feed himself, he shall be permitted to do so.

4. Infants shall be held while being bottle fed.

MINIMUM COMPLIANCE

Infants up to the age of six months shall be held. Bottles shall not be propped by any means. Infants of more than six months shall be held as appropriate.

5. Infants no longer being held for feeding shall have a definite place for eating.

MINIMUM COMPLIANCE

a. Infants may sit in low chairs at low tables or in infant seats with trays.

b. High chairs, if used, must have a wide base and safety strap.

6. An infant's diapers shall be changed promptly when needed.

MINIMUM COMPLIANCE

a. The infant shall lie on a fresh washable or disposable covering.

b. Individual washclothes and towels or disposable towelettes shall be used to thoroughly cleanse and dry the child's buttocks.

c. Freshly laundered or clean disposable diapers shall be used.

d. Reusable diapers soiled with fecal matter or urine shall be promptly rinsed by flush toilet method and then placed in a moisture proof bag or stored in a covered container which is cleaned daily.

7. The staff members responsible for infants shall practice good health habits.

MINIMUM COMPLIANCE

a. Staff members shall wash their hands thoroughly with soap and water before feeding an infant.

b. Staff members shall wash their hands thoroughly with soap and water before and after changing a diaper.

8. Provision shall be made to assure consistency and stability of relationship in meeting the needs of infants.

MINIMUM COMPLIANCE

a. One individual shall be specifically designated to carry primary responsibility for care and supervision of a specific group of infants.

b. If children are supervised on a shift basis, primary responsibility for care and supervision of a specific group of infants shall be designated to not more than two individuals.

c. The **Plan of Operation** on file at the day care center shall indicate the name(s) of staff assigned to a specific group of infants. This shall be updated as changes are made.

9. Stimulation shall be regularly provided the infant in a variety of ways.

MINIMUM COMPLIANCE

a. Infants shall be talked with and played with by the staff.

b. Each infant shall be provided some opportunity during the day (both morning and afternoon) when he can explore the environment outside his crib or baby bed and learn on his own.

c. Equipment and toys shall be provided for infants. (See Section III, Building, Grounds and Equipment.)

d. Each infant shall have the opportunity for daily periods outdoors when weather is suitable. This may increase from a few minutes for the young infant to at least one hour per day.

e. An infant, while awake, may remain in his crib if he is content and responsive to his environment for periods not to exceed one hour.

10. Infants shall always have adult supervision.

MINIMUM COMPLIANCE

a. A staff member shall always be in the room with the infants.

b. When there is a toilet and lavatory immediately beside the infant room, the staff member shall be permitted to use these facilities for personal and diapering needs.

c. When the toilet and lavatory are located elsewhere in the building other than as outlined by Compliance b above, there shall be another staff member present in the infant room while personal and diapering needs are attended to.

11. Toilet training shall be relaxed and pressure free.

MINIMUM COMPLIANCE

a. Children shall be encouraged in toilet training through regular use of a toilet or potty chair for short periods of time, normally not to exceed 5 to 10 minutes.

b. Children shall be praised for the appropriate used of the toilet or potty chair.

c. Children shall not be shamed for accidents.

D. SCHOOL AGE CARE

1. The school age child in care shall have an opportunity to choose activities in which he would like to participate.

MINIMUM COMPLIANCE

a. Activities shall be available both outdoors and inside.

b. Equipment for outdoor, large muscle activity such as jump ropes, basketballs and other outdoor activities such as gardening and digging shall be available.

c. A variety of books, games, construction equipment, crafts, art and other materials, science equipment and music shall be available.

d. A school age group shall have a regular home base area, used exclusively by them, to allow for continuing projects and storage of equipment.

2. School age children shall have a voice in planning their own activities within safe and secure limits.

MINIMUM COMPLIANCE

Quiet, privacy and appropriate equipment shall provide the opportunity for solitary activities unrelated to what others choose, including resting or doing homework.

3. Parental permission shall be on file for school age children leaving the facility.

MINIMUM COMPLIANCE

a. School age children who leave the center to participate in classes, clubs or other activities shall receive written permission from the parents or guardian specifying the activity, time of departure and methods of transportation by which the child will reach the activity.

b. For weekly activities such as scouts, the parent may specify that the permission is given for the entire school term.

E. CHILDREN WITH NEED FOR SPECIAL CARE*

1. Children with need for special care due to disabling or limiting conditions shall not be present in the regular program of a day care center without prior consultation and written approval of qualified specialists*, such as psychologists, physician or specialists in special education.

MINIMUM COMPLIANCE

a. Consultation with and written approval of qualified specialists shall be obtained for children with need for special care due to disabling or limiting conditions either at the time of enrollment or at the time the condition becomes known.

b. This written approval shall be on file at the center and available to the Department for inspection.

c. Sufficient staff shall be available (See Section II, Personnel.) to meet the needs of the child(ren) and to prevent disruption of the other children in the group.

d. Programs designed specifically for children with special needs shall submit a Plan of Operation* which formulates a special program designed to meet the specific developmental needs of the children in care.

F. EVENING AND NIGHT CARE

1. When a facility offers evening and/or night care, the center shall comply with specific standards for these programs.

MINIMUM COMPLIANCE

a. **Minimum Standards for Day Care Centers** shall be met as appropriate for evening and night care unless otherwise noted.

b. For centers licensed for 16 or more children there shall be a director designated spearate from the day care program to administer operation of the evening and/or night care program. This director shall meet those qualifications outlined in Section II, Personnel.

*See Glossary for definition.

Program

c. Facilities offering evening and night care shall take extra security precautions such as requiring positive identification of unknown visitors and accurate knowledge of persons to whom the child can be released. No child shall be released to any individual without specific written permission of the parents and adequate identification, e.g., driver's license.

d. The day time staff ratio shall be maintained. (See Section II, Personnel.)

e. Staff members shall be awake at all times, including when children are asleep, and shall maintain visual and auditory supervision of the children.

f. A responsible staff member shall check the areas of high hazard such as heating devices, kitchens, television sets, etc., at least twice within the evening.

g. The activities of night care staff shall not be such as to prevent their supervision and surveillance of sleeping children.

h. An emergency evacuation plan to be used in case of fire or other emergency in centers providing evening and night care shall include provision for dealing with sleeping children.

i. Facilities offering evening and/or night care shall meet all applicable fire and safety standards for this type of care.

j. Facilities offering evening and/or night care shall have approved smoke detectors, by-products of combustion detectors or other devices as approved by the local fire marshal.

2. A program shall be provided to meet the unique needs of children in evening or night care.

MINIMUM COMPLIANCE

a. Older children shall have an opportunity for reading, studying or doing homework.

b. The activity level for children in evening or night care shall be reduced in preparation for sleep.

c. Bedtime shall not include frightening stories or other actions or activities that prey on children's night fears.

d. The evening or night director shall have the responsibility of determining the suitability of television programs for the children. Television shall not be the only activity available to the children.

e. The staff shall provide a relaxed atmosphere of affection and respect before bedtime for the children.

f. A night time snack shall be provided.

3. Children in evening care (arriving at the center in the afternoon or evening, but not spending the night) shall have a program appropriate for their needs.

MINIMUM COMPLIANCE

a. A child(ren) arriving in the daylight hours shall have the opportunity for outdoor play, weather permitting.

b. Evening meals shall be served. Minimum standards for food service and nutrition shall be maintained. (See Section VI, Food Service and Nutrition.)

c. The children shall have an opportunity for sleeping if needed before they leave the center.

d. The child's individual bed time ritual shall be practiced insofar as possible.

e. Each child shall be provided with a bed or cot with a mattress or pad and a pillow. The size of the bed or cot shall be appropriate for the age and size of the child.

(1) All mattresses shall have fitted plastic mattress covers or protectors.

(2) All pillows shall have fitted waterproof covers or protectors when used by children who wet the bed.

(3) Two sheets shall be on each bed and changed as often as required for cleanliness and sanitation, but not less frequently than once a week.

(4) Beds or cots may be used by different children at different hours, provided linens are changed between users.

(5) Bedwetters shall have linens changed as often as needed.

(6) All sheets shall be laundered before use by different children.

(7) At least one blanket shall be on each child's bed or cot.

(8) Beds or cots shall be arranged so there is a distance of at least two feet on each side.

4. Children in night care (spending the night) shall have the opportunity for a complete night routine.

MINIMUM COMPLIANCE

a. Evening meals and breakfast shall be served to children in night care. Not more than fourteen hours shall elapse between food service. Minimum standards for food service and nutrition shall be maintained. (See Section VI, Food Service and Nutrition.)

b. The director shall establish a reasonable bed time based on the needs of the individual child.

c. The child's individual bed time ritual shall be observed insofar as is possible.

d. Each child in night care shall be provided a designated bed with a mattress. The size of the bed shall be appropriate to the age and size of the child.

(1) All mattresses shall have fitted plastic mattress covers or protectors.

(2) All pillows shall have fitted waterproof covers or protectors.

(3) Two sheets shall be on each bed and changed as often as required for cleanliness and sanitation, but not less frequently than once a week.

(4) Bedwetters shall have linens changed as often as necessary.

(5) All sheets shall be laundered before use by different children.

(6) At least one blanket shall be on each child's bed.

(7) Beds shall be arranged so there is a distance of at least two feet on each side.

e. There shall be provision for an attendant to provide drinking water during the night.

f Opportunity shall be provided for children to bathe. Hot water shall be made available. When bathtubs or showers are used, pre-school age children shall be continuously supervised. School age children shall be allowed and encouraged to bathe themselves. Fresh water shall be supplied for each child and tubs and/or showers cleaned thoroughly after each use. Children shall be provided fresh wash cloths and towels. Privacy shall be assured for school age children.

g. The day care center, as a minimum, shall require that each child in night care has:

(1) Night clothing.

(2) A toothbrush marked for identification.

(3) A special toy or blanket which has special meaning to the child, if he wishes.

(4) A container for transporting his belongings which the child can identify.

h. Rooms shall not be totally darkened.

G. WATER ACTIVITIES

1. When any body of water is used by the facility, it shall be constructed, maintained and used in such a manner as to safeguard the lives and health of the children and shall comply with State statutes and minimum standards, local ordinances and regulations.

MINIMUM COMPLIANCE

a. A swimming pool or any other permanent reservoir shall have a fence to prevent children from entering the pool area.

(1) The fence shall be least six feet high of non-opaque material and constructed in such a way that children cannot easily climb over it.

(2) The gate shall be locked at all times except when the pool is in use.

(3) Machinery rooms adjacent to the pool shall be locked.

b. The swimming pool (more than two feet of water) shall be constructed and maintained as required by local regulations and the standards of the Texas State Department of Health for swimming pools.

c. A splashing pool (six inches of water or less) or a wading pool (more than six inches of water, but less than two feet) shall be drained and cleaned after each use, and maintained as required by local regulations and standards of the Texas State Department of Health for such pools.

d. A splashing pool (six inches of water or less) or a wading pool (more than six inches of water but less than two feet) shall be inaccessible to children when not in use.

e. New swimming pools shall be constructed in accordance with Texas State Department of Health "Design Standards for Public Swimming Pool Construction."

f. One unit of life saving equipment shall be provided for each 2,000 feet of water surface area.

Program

2. There shall be adequate staff to protect the children from water related hazards.

MINIMUM COMPLIANCE

a. When a splashing pool or wading pool is in use, an adult staff member with knowledge of water safety practices with additional staff as indicated on the chart below, shall supervise children in the pool. The staff member(s) with primary responsibility* for water activities shall have Red Cross Senior Lifesaving training (See Section II, Personnel.) The staff member with primary responsibility may be counted in the staff-child ratio.

b. When the swimming pool is in use, a Red Cross certified Water Safety Instructor or a person age 18 years of age or older who holds a Red Cross Senior Lifesaving Certificate shall be on duty with additional staff as outlined on the chart below. (See Section II, Personnel.) The life guard shall not be counted in the staff-child ratio. No person may serve as the life guard and the instructor at the same time.

c. The staff-child ratio (SCR) charted below shall be maintained in addition to the life guard on duty.

AGE OF CHILDREN	INSTRUCTIONAL		FREE SWIM		WADING	
	Number of Staff	Number of Children	Number of Staff	Number of Children	Number of Staff	Number of Children
6 mos. to 2 yrs.	1	1	NA	NA	1 + aide	6
2+	1 + aide	8	NA	NA	1 + aide	8
3+	1 + aide	13	NA	NA	1	13
4+	1 + aide	17	NA	NA	1	17
5+	1 + aide	20	NA	NA	1	20
6+	1 + aide	26	1	26	1	26

*See Glossary for definition.

d. Instructional periods shall be supervised by an instructor 18 years of age or older in the pool area, who holds, at a minimum, a Red Cross Senior Life Saving Certificate. (A Water Safety Instructor Certificate also constitutes compliance.) A current Red Cross Senior Life Saving Certificate or Water Safety Instructor card for the supervisor shall be posted.

(1) The supervisor of instructional periods may be counted in the staff-child ratio for a group of children when serving as the group's actual instructor.

(2) Child care staff may be used as instructors when they hold, as a minimum, a Red Cross Senior Lifesaving Certificate.

e. Free swim periods shall be supervised by a senior lifeguard directly overseeing the pool. A Red Cross Senior Life Saving certificate shall be posted for the supervisor.

f. Free swim for children under 6 shall be allowed **only** as a part of an instructional program.

g. When children receive swimming lessons at a public facility the regular staff-child ratio for the group shall be maintained. (See Section II, Personnel.)

H. TRANSPORTATION

1. When a day care facility provides transportation, children must be protected by adequate staff supervision and safety precautions.

MINIMUM COMPLIANCE

a. The vehicle used for transporting children shall be in safe operating condition in compliance with all State and local laws governing moving vehicles.

b. The director shall determine, before any children are transported in a vehicle, that the driver has a current Texas operator's license. Staff members who transport children for pay shall have a chauffeur's license.

c. Children shall be seated in safe and adequate space at all times when the vehicle is in motion.

d. The director shall formulate rules for travel designed to insure the safe transportation of the children. These rules shall be on file at the day care center.

e. Children shall be loaded and unloaded at the curb from the curb side of the vehicle or in a protected parking area or driveway.

f. Children shall have signed and dated transportation authorization permits.

g. A first aid kit shall be present in all vehicles regularly transporting children.

2. Staff-child ratio for the transportation of children shall be maintained.

MINIMUM COMPLIANCE

a. When children under two years of age are present, one attendant in addition to the driver shall be required for each group of four children or fraction of a group under two years of age.

b. For pre-school children age 2 to 5, staff-child ratio shall be established by any of the options outlined in Chart I, **Straight Age Grouping**, Chart II, **Multi Age Grouping** or Chart III, **Combination Grouping** as shown in Section II, Standard D1.

For infant and pre-school transportation, the driver shall **not** be counted in the staff-child ratio.

c. For school age children ages 5 through 14, the staff-child ratio shall be established by any of the options outlined in Chart I, **Straight Age Grouping,** Chart II, **Multi-Age Grouping** or Chart III, **Combination Grouping,** as shown in Section II, Standard D1.

For school age transportation, the driver **may** be counted in the staff-child ratio.

d. For mentally retarded and/or emotionally disturbed children, the developmental or emotional age of the child, as determined by a qualified expert, shall be used as the basis for determining the staff-child ratio, rather than the chronological age of the child.

Glossary

GLOSSARY

Administrative Functions – Those functions which involve the management of a day care center such as bookkeeping, enrollment procedures, answering the telephone and collecting fees.

Admission – The process of entering a child in a day care center. The date of admission is the first day on which the child is actually present in the facility.

Adult – A person 18 years of age or older.

Aide – A person who is involved in direct care, supervision and guidance of children in a day care center and who works under the direction of the staff member designated to carry primary responsiblity for the children.

Application – The form furnished by the Department of Public Welfare to gather information about and to document the intent of the governing body to set up a day care program.

Attendance – Children actually present in the day care center at any given time. (Not to be confused with enrollment.)

Child – A person who has not reached the eighteenth birthday.

Child Care Staff – Any person whose primary duties include direct care, supervision and guidance of children in a day care center.

Children with Known Need for Special Care – Children with need for special care are those with disabling and/or limiting conditions such as visual impairment or blindness, hearing impairment or deafness, other physical disabilities; mental retardation, emotional disturbance or learning disabilities which prevent or limit their participation in the normal activities of the day care center.

Consultative Services for Children with Need for Special Care – Qualified consultants include psychologists, special education counselors, educational diagnosticians, special education supervisors, teachers certified by the Texas Education Agency to teach mentally retarded or emotionally disturbed children, pediatricians, licensed registered nurses, child psychiatrists and ACSW social workers skilled in assessing normal and unusual developmental problems in children.

Such consultants may be found in State schools and hospitals, MH/MR centers, human development centers, public school special education departments, university psychology or special education departments and the State listing of certified psychologists. (Copies of "Roster-Texas State Board of Examiners of Psychologists" can be found in local DPW offices or can be ordered from the Business Management Division.)

Day Care – The care, supervision and guidance of a child or children, unaccompanied by parent, guardian or custodian, on a regular basis, for a period of less than 24 hours per day, in a place other than the child's or the children's own home or homes.

Day Care Area – That area specifically licensed for use by the day care program. This may include a specific portion or portions of the building and grounds of a larger facility or one or more buildings at the same location. That area, both indoor and outdoor, designated and approved in the plan of operation.

Day Care Center – Any facility, whether known or incorporated under such descriptive title or name as "Day Nursery," "Nursery School," "Child Play School," "Child Development Center," "Early Childhood Center" and the like, which regularly receives 7 or more children for day care. This term shall apply to program, buildings, grounds, furnishings and the equipment involved.

Glossary

Day Care Location – The street address where the day care center is located; i.e., the lot or lots on which the building or buildings are located.

Day Care Program – Those services and activities which are provided by a day care center; the daily schedule.

Day Care Staff – Any person employed in a day care center in any capacity.

Department – Department is used in this document to refer only to the State Department of Public Welfare.

Direct Child Care – The supervision, guidance and care of children as compared to food service, janitorial functions or administrative functions.

Director – That person designated by the governing body to carry day to day responsibility for the operation of a day care center, including maintenance of minimum standards. In multiple centers under a chief administrative officer the director referred to shall be the person physically located at each center.

Enrollment – The list of names of children registered with the day care center. (Not to be confused with attendance.)

Evening Care – Care given at periods of the twenty-four hour day to children who are starting their night sleep; specifically to children who do not spend the entire night at the center.

Facility – A facility is defined to include people, administration, governing body, program, operations, buildings, grounds, equipment, furnishings and material.

Food Service – The preparation and/or serving of meals.

Garbage – Waste food or items which in a state of deterioration cause offensive odors, attract rodents or insects, etc.

Governing Body – The individual, partnership, corporation, voluntary association or other public or private organization with ultimate authority and responsibility for the over all operation of the day care center.

Group – A specific number of children (not to exceed the staff-child ratio) assigned to one specific staff member; each child in any group will have the following things in common with each other child in his group: (1) the same staff member who is responsible for his well being and meeting his basic needs and (2) the same home base and/or classroom.

Group Child Care – Caring for seven or more children.

Health Personnel – A person duly licensed as a physician, licensed registered nurse or L.V.N. in the State of Texas, to provide preventive, diagnostic or therapeutic medical care to individuals in the community.

Home Base – That area or room which is designated for the use of one group of children which they recognize as belonging to them.

Infant – For purposes of this document, an infant is defined as a child who has not reached his second birthday.

Interest Area – An area or room designated for a specified activity, such as a block area, art and craft area or science area.

Glossary

Janitorial Functions – Those services which involve cleaning and maintenance over and above that which is required for the continuation of the day care program such as sweeping, mopping, cleaning carpets, washing cots, etc.

License – A complete license issued to the governing body of a day care center, authorizing the licensee to operate at a specified location in accordance with the provisions of the license, the law, the rules and regulations of the State Department of Public Welfare.

Night Care – Care given at periods of the twenty-four hour day to children who are starting or continuing their night sleep; specifically to children who spend the night at the center.

Plan of Operation – The form furnished by the Department of Public Welfare on which the governing body and/or director of a day care program outlined the plan for operating a day care program.

Play Area – The room(s) or area(s) designated for play, which may be included in or separate from a group's home base or classroom.

Primary Care Giver – That staff member assigned the care and supervision of a specific group of children.

Primary Responsibility – The principal task or function for which an individual is responsible.

Regularly or on a Regular Basis – These terms refer to the frequency with which day care services are available and provided at a center in any one week. These terms mean the availability and provision of periods of day care on more than one day of such week.

S/C/R – Staff-child ratio.

School Age Care – Care offered to children between the ages of 5 (on or before September of that school year) and 18.

Service Worker – Any person whose duties include cooking, housekeeping and maintenance duties in any day care center.

Transitional Period – That period of time, not to exceed 30 minutes per day when (1) pre-school children are leaving the day care center and school age children are arriving; (2) day care children are leaving the center and evening or night care children are arriving.

Trash/Litter – Paper products, plastic, cloth, etc.

Water Activities – Related to the use of splashing pools, wading pools or swimming pools.

Water Play – The limited use of water for activities, such as use of hoses, dish pans, etc.

State Department as agency of state; dependent children

Sec. 8. The State Department is hereby designated as the agency to cooperate with the Children's Bureau of the United States Department of Labor in:

(1) Establishing, extending, and strengthening, especially in predominantly rural areas, public welfare services for the protection and care of homeless, dependent, and neglected children in danger of becoming delinquent; and

(2) Developing State services for the encouragement and assistance of adequate methods of community child welfare organization and paying part of the cost of district, county or other local child welfare services in areas predominantly rural and in other areas of special need; and as may be determined by the rules and regulations of said State Department; and

(3) Developing such plans as may be found necessary to effectuate the services contemplated in this Section, and to comply with the rules and requirements of the Children's Bureau of the United States Department of Labor issued and prescribed in conformity with, and by virtue of the Federal Social Security Act as amended. *42 U.S.C.A. § 301 et seq.*

Child-caring institutions

Sec. 8(a). As used in this Act, the following terms, words, and provisions shall be construed as defined and set forth herein.

1. Definitions.

(a) Child-Caring Institution. A child-caring institution is defined as any children's home, orphanage, institution or other place maintained or conducted, without profit, by any person, public or private association, or corporation, engaged in receiving and caring for dependent, neglected, handicapped, or delinquent children, or children in danger of becoming delinquent, or other children in need of group care, and which gives twenty-four (24) hours a day care to more than six (6) children.

(b) Commerical Child-Caring Institution. A commerical child-caring institution is defined as any children's home, orphanage, institution or other place maintained or conducted, for profit by any person, public or private association, or corporation, engaged in receiving and caring for dependent, neglected, handicapped, or delinquent children, or children in danger of becoming delinquent, or other children in need of group care, and which gives twenty-four (24) hours a day care to more than six (6) children.

(c) Day Care Center. A day care center is any place maintained or conducted under public or private auspices, without profit, which cares for more than six (6) children during a part of the twenty-four (24) hours of the day.

(d) Commerical Day Care Center. A commercial day care center is any place maintained or conducted, for profit, under public or private auspices which cares for more than six (6) children during a part of the twenty-four (24) hours of the day.

(e) Commercial Boarding Home. A commercial boarding home is a private home or place of residence of any person or persons, which operates for profit, where six (6) or less children under sixteen (16) years of age are received for care and custody or maintenance, apart from their own family or relatives, for either part of the day or for twenty-four (24) hour-a-day care.

*Texas Revised Civil Statutes Annotated

(f) Child-Placing Agency. A child-placing agency is hereby defined to mean any person, public or private association, or corporation, which assumes care, custody or control of one or more children under sixteen (16) years of age, and which plans for the placement of, or places, any child or children in any institution, foster or adoptive home, provided that natural parents of any such child or children are excluded from this definition.

Child-Placing Activity. Any person who arranges for the placement with a third party of a child not related to him, or aids or abets in such placement, shall be deemed to be engaged in a child-placing activity.

(g) Agency Boarding Home. An agency boarding home is a private home, caring for six (6) or less children, used only by a licensed child-placing agency, which agency has determined and has certified to the State Department of Public Welfare that such home meets minimum rules and regulations promulgated by the State Department of Public Welfare, and which agency shall provide supervision both for the boarding home and each child so placed therein.

(h) Convalescent Children's Boarding Home. A convalescent children's boarding home is any place under public or private auspices which gives twenty-four (24) hour-a-day care to six (6) or less children, who are physically handicapped, under medical and/or social supervision, away from their own homes, and not within a hospital.

(i) Convalescent Children's Foster Group Home. A convalescent children's foster group home is any place under public or private auspices which gives twenty-four (24) hour-a-day care to more than six (6) children, who are physically handicapped, under medical and/or social supervision, away from their own homes, and not within a hospital.

(j) Solicitation of Funds. Solicitation of funds herein means the acts of any person, association, or corporation in soliciting or collecting any contributions in money or other property by appeals through mail, or by other direct or indirect public solicitation, for the purpose of operating any institution, agency, or facility coming within the purview of this Act.

2. Provisions for License to Operate.

(a) Child-Caring Facility. Every person, association, institution, or corporation, whether operating for profit or without profit, who shall conduct or manage a child-caring institution, agency, or facility coming within the purview of this Act shall obtain a license to operate from the State Department of Public Welfare, which license shall be in full force and effect until suspended or rescinded by the Department of Public Welfare as hereinafter provided.

(b) Child-Placing Facility. Every person, association, institution, or corporation, whether operating for profit or without profit, who shall conduct or manage a child-placing agency, who shall place any child or children who are under the age of sixteen (16) years, whether occasionally or otherwise, away from his own home or relative's home, shall obtain from the State Department of Public Welfare a license to operate as a child-placing agency, which license shall be in full force and effect until suspended or revoked by the Department of Public Welfare as hereinafter provided, except that nothing in this Act shall prohibit a natural parent from placing his own child or prohibit a grandparent, uncle, aunt, legal guardian, brother or sister, having attained their majority, from placing a child under the age of sixteen (16) years in the home of relatives or in a licensed institution, agency, or facility coming within the purview of this Act.

(c) Adoption. Every person, association or corporation, whether operating for profit or without profit, other than a natural parent, who shall place any child or children under the age of sixteen (16) years for adoption, whether occasionally or otherwise, shall obtain a license to operate in child-placing from the State Department of Public Welfare, which license shall be in full force and effect until suspended or rescinded by the State Department of Public Welfare as hereinafter provided.

(d) Free Choice of Agency. It is not the intent of this Act to deprive any person or persons of the right and privilege, except in instances where that right or privilege has been removed by court action, of choosing the licensed agency through which the child or children shall be placed for care or adoption whether the agency be private, public, or the State Department of Public Welfare; nor is it the intent of this Act to deprive any person or persons of the right and privilege of commencing and maintaining appropriate proceedings in a court of proper jurisdiction for custody or adoption of such child or children.

The State Department of Public Welfare shall maintain a complete list, or directory, of licensed child-caring and child-placing institution and agencies, a copy of which shall be furnished any citizen of Texas upon request.

(e) Fees. (1) Child-placing agencies, in cases either of placement for adoption or of placement for care and custody, shall not be prohibited from charging a reasonable fee for placement, consultation or other child-placing activities either from the parents or other person responsible for the child involved, or from the foster parents receiving the child; the natural parents, legal guardian, or foster parents may pay such agency a reasonable amount for staff and other services, board, maintenance, and medical care of such child and may reimburse the agency for medical care and maintenance plus staff and other services on behalf of the mother of such child in accordance with rules and regulations prescribed by the State Department of Public Welfare as hereinafter provided. (2) License to operate, for each type of facility as herein defined, shall be issued without fee, and under such reasonable and uniform rules and regulations as the State Department of Public Welfare shall prescribe as hereinafter provided; and the type of facility for which a license is issued shall be indicated on such license.

(f) Agency Boarding Home. When a person, association, institution, agency, or corporation is licensed to conduct or manage a child-placing agency, the boarding homes used by such agency for the care and custody of children who are under the agency's supervision are considered "agency boarding homes" and are not to be licensed separately by the State Department of Public Welfare, provided such agency boarding homes are designated as such in writing by such child-placing agency, with a copy of such written designation being sent to the State Department of Public Welfare; and provided further, that the State Department of Public Welfare is authorized to visit any such agency boarding home with a view of ascertaining whether the children cared for in such home are being properly cared for and properly supervised by such licensed child-placing agency. Agency boarding homes shall meet minimum uniform standards as prescribed by the State Department of Public Welfare as hereinafter provided, and any child-placing agency which uses homes falling below such standards shall be subject to suspension or revocation of its child-placing license as hereinafter provided.

3. Solicitation of Funds.

Licenses for solicitation of funds shall be issued to child caring and child-placing facilities, under rules and regulations promulgated by the State Department of Public Welfare under processes hereinafter provided, and in keeping with the following provisions:

(a) Existing Facility. If funds are solicited for any institution, agency, or facility coming within the purview of this Act, a special license for solicitation, separate from the license to operate, must be obtained from the State Department of Public Welfare and, in addition, no solicitation of funds for institutions and agencies coming under the purview of this Act is to be undertaken in any county without the approval of the County Judge of such county, which County Judge shall authorize solicitation only for persons, associations or corporations licensed by the State Department of Public Welfare to solicit funds; provided that:

(1) Any such organization, agency, association, institution, or corporation whose operation is state-wide in scope may be granted a special license by the State Department of Public Welfare to solicit funds on a state-wide basis without approval of the County Judge of the respective counties; except that each agent or solicitor representing any such licensed facility, who solicits on the street, or from house to house, or from place of business to place of business, or from person to person as encountered by chance in the course of such movements, shall obtain a license to solicit, shall carry his license with him, and shall display said license to solicit each time he makes a solicitation, which license must bear the approval of the County Judge of the county in which the solicitation is made.

(2) Any such organization, agency, association, institution, or corporation whose operation is less than state-wide in scope, may be granted a special license to solicit funds in the county, group of counties, or region of the State, which it serves without the necessity of securing approval of the County Judge of the respective counties; except that each agent or solicitor, representing any such licensed facility, who solicits on the street, or from house to house, or from place of business to place of business, or from person to person as encountered by chance in the course of such movements, shall obtain a license to solicit, shall carry his license with him and shall display said license to solicit each time he makes a solicitation, which license must bear the approval of the County Judge of the county in which the solicitation is made.

(3) Nothing in this Act shall be construed to prohibit a religious or fraternal-order institution or facility coming within the purview of this Act, which is licensed by the State Department of Public Welfare and which is incorporated under the laws of the State of Texas as a non-profit facility and whose trustees or members of its corporate governing board are elected by, or are responsible to a recognized fraternal order, church, or religious denomination or body, whose membership is state-wide, from soliciting funds; except that each agent or solicitor, representing any such licensed facility, who solicits on the street, or from house to house, or from place of business to place of business, or from person to person as encountered by chance in the course of such movements, shall obtain a license to solicit, shall carry his license with him, and shall display said license to solicit each time he makes a solicitation, which license must bear the approval of the County Judge of the County in which the solicitation is made.

Nothing in this Act should be construed to prohibit the officers, committees, or members of a recognized fraternal order or one of its local lodges, state-wide church, or one of its local congregations, religious body, or one of its local bodies from soliciting in behalf of their respective facility or facilities coming within the purview of this Act.

(4) Nothing in this Act shall be interpreted to interfere with the activities of civic, business or professional clubs in the operation of their civic or charitable functions, unless said club or organization actually engages in the operation of child-caring and child-placing facilities coming within the purview of this Act.

(b) Proposed New Facility. A person, association, agency, institution, or corporation, before soliciting funds for the establishment of a proposed new institution, agency, or facility coming within the purview of this Act must secure a license in order to solicit funds, which license is to be issued on the basis of a written contract between the State Department of Public Welfare and such person, association, agency, institution, or corporation, and as approved by the Attorney General of the State of Texas, which contract shall provide that a minimum amount of funds must be secured and held in escrow until the project is actually undertaken; provided that such contract shall not include any provisions for meeting any standards higher than, nor complying with any rules and regulations other than, those in effect for existing licensed facilities coming within the purview of this Act at the time said contract is entered into.

4. Authority to Inspect or Visit.

The State Department of Public Welfare shall have the authority to visit and inspect all such facilities embraced within this Act, whether licensed or unlicensed, at all reasonable times, to ascertain if same are being conducted in conformity with the law or, if any conditions exist which need correction.

5. Records.

(a) Every person, agency, association, institution or corporation coming within the purview of this Act, shall maintain such reasonable individual social records and individual health records; except day care centers, commercial day care centers, commercial boarding homes, agency boarding homes, and convalescent children's boarding homes, as defined in this Act, as are promulgated under the process hereinafter provided and said records shall be open for inspection by the State Department of Public Welfare at all reasonable times.

(b) Every person, agency, association, institution or corporation coming within the purview of this Act, except day-care centers, commercial day-care centers, commercial boarding homes, agency boarding homes, and convalescent children's boarding homes, as defined in subsection 1(c), 1(d), 1(e), 1(g), and 1(h) of Section 1 of this Act, shall maintain statistical records and complete financial records of income and disbursements, and shall have its books audited annually by a licensed public accountant and shall submit, annually, a copy of such auditor's statement concerning receipts and disbursements to the Executive Director of the State Department of Public Welfare, or he may accept the financial report made to the fraternal order, church, religious or denominational body which owns or controls such licensed facility, or which is published in its official organ, handbook, or minutes in lieu of the said auditor's statement. It is further provided that every person, agency, association, institution or corporation coming within the purview of this Act, upon the written request of the Attorney General of the State of Texas, shall open its books for inspection by the Attorney General, to ascertain the honesty and legitmacy of its operation.

6. Children Improperly Cared For.

Whenever the State Department of Public Welfare has reason to believe that any person, association or corporation having the care or custody of a child subjects such child to mistreatment or neglect, or immoral surroundings, it shall cause a complaint or petition to be filed in the proper court, and said Department may be represented by the Attorney General of the State of Texas in such a proceeding.

7. Denial, Suspension and Revocation of License.

(a) The State Department of Public Welfare is authorized to deny a license to a person or to an unincorporated or incorporated institution, agency, or association coming within the purview of this Act, if it or he is organized so loosely, poorly, and intangibly, or if it or he operates by such methods that said State Department reasonably concludes that the manner of organization and/or operation admits of probability of fraud being perpetrated. Appeal may be made for a hearing as provided elsewhere in this Act.

(b) The State Department of Public Welfare is authorized to suspend or revoke any license if it ascertains failure to comply with the law or with the reasonable rules and regulations provided for herein; provided that the following procedure is followed: (1) The State Department of Public Welfare, in writing, shall call to the attention of the licensee the particulars in which he fails to comply and shall specify a reasonable time by which it is probable that the licensee can remedy said failure; then (2) if failure to comply persists, said Department shall give written notice of intention to suspend or revoke said license thirty (30) days thereafter if no appeal for a hearing is made by the licensee; (3) if, within said thirty (30) days, licensee files with the State Department of Public Welfare written request for a hearing, the matter then shall be referred to the Advisory Board, which shall conduct a hearing and render a written opinion, as elsewhere provided for in this Act; and (4) after receiving a copy of said opinion, the State Department of Public Welfare may proceed to suspend or revoke the license in question.

8. Advisory Board.

(a) In the event that any person, association, agency, corporation, or facility coming within the purview of this Act is denied a license to operate or solicit funds or said license to operate or solicit funds has been suspended or revoked, said person, association, corporation, agency or facility shall have the right to appeal within a reasonable time, and upon filing written notice of appeal, said appellant shall be granted a reasonable notice and opportunity for a fair hearing before the Advisory Board created in this Act.

Within a reasonable time prior to the appellant's appeal hearing, he, or his authorized agent, shall be fully advised of the information contained in his record on which action was based if a request for such information is made in writing, and no evidence of which the appellant is not informed shall be considered by the Advisory Board or the State Department of Public Welfare as the basis for the decision after the hearing.

(b) The Advisory Board provided for herein shall consist of five (5) members appointed by the State Board of Public Welfare. The members shall be appointed at least thirty (30) days prior to the date set for the hearing and shall be comprised of the Executive Officers of institutions coming within the same classification as the appellant, provided that not more than one (1) member shall be appointed from any one (1) institution. When the Advisory Board is appointed, the Board shall immediately select its chairman and the chairman of the Board shall notify the appellant in writing of the date and place of the hearing, said hearing to be set within a period of not more than forty-five (45) days after the Advisory Board is notified of its appointment. Members of the Advisory Board shall serve on the Board without salary, but each member attending the appeal hearing shall be paid Ten Dollars ($10) per day for expenses, for each day in session, said payments being made by the State Department of Public Welfare out of its funds. The Advisory Board meeting shall be held in Austin or in the immediate vicinity of the appellant's residence.

(c) At the hearing all of the evidence shall be recorded verbatim, and a copy of the transcript shall be made available to the appellant and the State Department of Public Welfare, in accordance with rules and regulations promulgated by the Department of Public Welfare.

The Advisory Board shall make written opinions and recommendations to the State Department of Public Welfare within a period of ten (10) days after the hearing is closed and failure to make the report within the time prescribed may be considered by the State Board of Public Welfare as sufficient justification for the appointment of a new Advisory Board. These opinions and recommendations shall be advisory only, and shall not be binding upon the State Department of Public Welfare.

(d) Nothing in this Article 8 concerning Advisory Boards shall be interpreted to prevent any party involved from due recourse to the courts, and in case of flagrant violation of this Act which endangers either the health or welfare of the children in the institution or facility, the person, association, corporation, agency or facility may be temporarily enjoined from operation during the pendency of the appeal.

9. Promulgations of Rules and Regulations.

"It is the expressed intent of this Act that the State Department of Public Welfare shall be given the right and the authority to promulgate reasonable rules and regulations governing the granting of licenses to the institutions and facilties coming within the purview of this Act, and for the suspension or revocation of such license for the operation of such institutions and facilities named in this Act, or for the solicitation of funds for the maintenance of such institutions and facilities; said rules and regulations shall be reasonable, and shall be uniform in nature. A copy of the rules governing the granting, suspension, or revocation of the licenses to operate or to solicit funds, which are currently used by the State Department of Public Welfare, shall be furnished to each person, organization, agency or facility contemplated in this Act and if the State Department of Public Welfare makes changes or revisions in said rules and regulations, copies of the proposed changes shall be sent to each person, association, corporation, agency or facility coming within the purview of this Act at least sixty (60) days prior to the effective date of the proposed changes or revisions in order to enable those persons, associations, corporations, or agencies affected an opportunity to review the proposed changes and make written recommendations or suggestions concerning them, if desirable.

9a. Rules Relating to Immunization of Children.

(a) The State Department of Public Welfare shall promulgate rules and regulations relating to the immunization of children admitted to institutions and facilities covered by this Act. The rules shall require the immunization of each child at an appropriate age against diptheria, tetanus, poliomyelitis, rubella, rubeola, and smallpox, and such immunization must be effective upon the date of first entry into the institution or facility; provided however, a person may be provisionally admitted if he has begun the required immunizations and if he continues to receive the necessary immunizations as rapidly as is medically feasible. The State Department of Health shall promulgate rules and regulations relating to the provisional admission of persons to institutions and facilities covered by this Act. The State Board of Health may modify or delete any of the immunizations listed in this section or may require immunization against additional diseases as a requirement for admission to institutions and facilities covered by this Act, provided however, that no form of immunization shall be required for a child's admission to an institution or facility if the person applying for the child's admission submits

either an affidavit signed by a doctor in which it is stated that, in the doctor's opinion, the immunization would be injurious to the health and well-being of the child or any member of his family or household, or an affidavit signed by the parent or guardian of the child stating that the immunization conflicts with the tenets and practice of a recognized church or religious denomination of which the applicant is an adherent or member.*

(b) Each institution or facility covered by this Act shall keep an individual immunization record for each child admitted, and the records shall be open for inspection by the State Department of Public Welfare at all reasonable times.

(c) The State Department of Health shall provide the required immunizations to children in areas where no local provision exists to provide these services.

10. State Institutions Exempt.

Child-caring and child-placing institutions and agencies which are owned and operated by the State of Texas, are exempt from the licensing and regulatory provisions of this Act; except that this provision shall not prevent the State Department of Public Welfare, or the Board which controls a state-owned child-caring or child-placing institution or agency, from requesting the State Department of Public Welfare, or an Advisory Board composed of the Executives of licensed institutions, to give counsel, to be expressed in a written opinion, on any matter which might contribute to the efficiency of said institution or agency, and hence might be in the public interest.

11. Injunction.

Any person, association, or corporation, for cause, may be enjoined from soliciting for, or conducting, or managing any institution, agency, or facility coming within the purview of this Act through suit brought by the Attorney General of the State of Texas, or by the county attorney or district attorney, in the county where such illegal practices occur.

12. Misdemeanor.

Any person who (i) impersonates an official, employee, representative, agent, or solicitor of any licensed institution or agency within the scope of this Act, (ii) falsely represents himself as representing a licensee under this Act, (iii) solicits funds in the name of, or for, any licensee under this Act without authorization, or (iv) without a license conducts a child-caring institution, a commercial child-caring institution, a child-placing agency, or places children for adoption, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than One Thousand Dollars ($1,000), or confinement in county jail for not more than one (1) year, or both. Each day of violation shall be considered a separate offense.

Sec. 8(a), subsec. 2(e) amended by Acts 1965, 59th Leg, p. 1444, ch. 634, § 1, eff. Aug. 30, 1965; Sec. 8(a), subsec. 9a added by Acts 971, 62nd Leg., p. 710, ch. 74, § 1, eff. April 26, 1971; amended by Acts 1971, 62nd Leg., p. 2889, ch. 953, § 1, eff. June 15, 1971; Sec. 8(a), subsec. 12 amended by Acts 1973, 63rd. Leg., p. 767, ch. 340, § 1, eff. June 12, 1973.

*The State Board of Health acts under the authority of Senate Bill 1007 in June 1971 to add pertussis (whooping cough) as a required vaccine. In November 1973 the Board deleted Small Pox as a required vaccine.

CHAPTER 34. REPORT OF CHILD ABUSE*

Section 34.01. Persons Required to Report
Section 34.02. Contents of Report: To Whom Made
Section 34.03. Immunities
Section 34.04. Privileged Communications
Section 34.05. Investigation and Report of Receiving Agency
Section 34.06. Central Registry

Section 34.01. Persons Required to Report. Any person having cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect shall report in accordance with Section 34.02 of this code.

Section 34.02. Contents of Report: To Whom Made. (a) Nonaccusatory reports reflecting the reporter's belief that a child has been or will be abused or neglected, has violated the compulsory school attendance laws on three or more occasions, or has, on three or more occasions, been voluntarily absent from his home without the consent of his parent or guardian for a substantial length of time or without the intent to return shall be made to:

(1) the county welfare unit;

(2) the county agency responsible for the protection of juveniles; or

(3) any local or state law enforcement agency.

(b) All reports must contain the name and address of the child, the name and address of the person responsible for the care of the child, if available, and any other pertinent information.

(c) All reports received by any local or state law enforcement agency shall be referred to the county child welfare unit, or to the county agency responsible for the protection of juveniles.

(d) An oral report shall be made immediately on learning of the abuse or neglect as prescribed in Subsection (a) of this section, and a written report shall be made within five days to the same agency or department. Anonymous reports, while not encouraged, will be received and acted on in the same manner as acknowledged reports.

Section 34.03. Immunities. Any person reporting pursuant to this chapter is immune from liability, civil or criminal, that might otherwise be incurred or imposed. Immunity extends to participation in any judicial proceeding resulting from the report. Persons reporting in bad faith or malice are not protected by this section.

Section 34.04. Privileged Communications. In any proceeding regarding the abuse or neglect of a child or the cause of any abuse or neglect, evidence may not be excluded on the ground of privileged communication except in the case of communications between attorney and client.

Section 34.05. Investigation and Report of Receiving Agency. (a) The county child welfare unit, or the county agency responsible for the protection of juveniles, shall make a thorough investigation promptly after receiving either the oral or written report. The primary purpose of the investigation shall be the protection of the child.

*House Bill No. 1414, Acts of the 63rd Legislature, Regular Session, 1973, amended Article 695c-2, Vernon's Texas Civil Statutes by adding a new Section 9 effective June 13, 1973. This Article was repealed by Senate Bill No. 168, Acts of the 63rd Legislature, Regular Session, 1973 (Title 2 of the Family Code). A request has been submitted to the Attorney General for an Opinion as to the validity of Section 9 following the effective date of Senate Bill No. 168 (January 1, 1974).

'Section 9. Any person who knowingly fails to report in accordance with Section 3 of this Act when he has cause to believe that a child's physical or mental health or welfare has been or may be further adversely affected by abuse or neglect commits a misdemeanor punishable by a fine of not less than $100 or more than $500, or by imprisonment in jail for not less than 10 days or more than 6 months, or both.'

Although not a part of the Family Code or the child abuse law, the Texas Penal Code, Section 22.04, Injury to a Child, which directly affects the child abuse statute, provides as follows:

'Section 22.04, Injury to a Child

'(a) A person commits an offense if he intentionally, knowingly, recklessly, or with criminal negligence engages in conduct that causes serious bodily injury, serious physical or mental deficiency or impairment, or deformity to a child who is 14 years of age or younger.

'(b) An offense under this section is a felony of the second degree.' (Section 12.32 sets the punishment for a felony of the second degree as confinement in the Texas Department of Corrections for any term of not more than 20 years or less than two years. In addition to imprisonment, an individual adjudged guilty of a second degree felony may be punished by a fine not to exceed $10,000.)

(b) In the investigation the unit or agency shall determine:

(1) the nature, extent, and cause of the abuse or neglect;

(2) the identity of the person responsible for the abuse or neglect;

(3) the names and conditions of the other children in the home;

(4) an evaluation of the parents or persons responsible for the care of the child;

(5) the adequacy of the home environment;

(6) the relationship of the child to the parents or persons responsible for the care of the child;

(7) all other pertinent data.

(c) The investigation shall include a visit to the child's home, a physical and psychological or psychiatric examination of all the children in that home, and an interview with the subject child. If admission to the home, school, or any place where the child may be, or permission of the parents or persons responsible for the child's care for the physical and psychological or psychiatric examinations cannot be obtained, then the juvenile court, or the district court, upon cause shown, shall order the parents or the persons responsible for the care of the children, or the person in charge of any place where the child may be, to allow entrance for the interview, above examinations, and investigation.

(d) If, before the investigation is complete, the opinion of the investigators is that immediate removal is necessary to protect the child from further abuse or neglect, the investigators shall file a petition pursuant to Chapter 17 of this code for temporary care and protection of the child.

(e) The county agency responsible for the protection of juveniles, or the county child welfare unit, shall make a complete written report of the investigation together with its recommendations to the juvenile court or the district court, the district attorney, and the appropriate law enforcement agency.

(f) On the receipt of the report and recommendation required by Subsection (e) of this section, the court may direct the investigator to file a petition seeking appropriate relief under Subtitle A of this title.

Section 34.06. Central Registry. The State Department of Public Welfare shall establish and maintain in Austin, Texas, a central registry of reported cases of child abuse or neglect. The department may adopt rules and regulations as are necessary in carrying out the provisions of this section. The rules shall provide for cooperation with local child service agencies, including hospitals, clinics, and schools, and cooperation with other states in exchanging reports to effect a national registration system.

APPENDIX III

Physical Health

For complete immunizations, the following are required in the respective age or class grouping:

Children Four Years of Age and Younger

Polio - At least three doses of oral vaccine.
Diphtheria/Tetanus/Pertussis (DTP) - A minimum of three doses
Measles - One dose of vaccine or history of measles illness.
Rubella - One dose of vaccine.

NOTE: Rubella and measles vaccines are to be given after the first birthday.

Children Five Through Eleven Years

Polio - At least three doses of oral vaccine, provided one or more doses have been received since the fourth birthday.
Diphtheria/Tetanus/Pertussis (DTP) - At least three doses of vaccine, of which one or more doses must have been received since the fourth birthday (usually given as DTP for children under six years and Td for children six years and older).
Measles - One dose of vaccine, or history of measles illness.
Rubella - One dose of vaccine.
Measles and rubella vaccine are not required after the 12th birthday. However, adequate immunizations for diphtheria, tetanus (Td) and polio are required.

APPENDIX IV

Discipline

Mandatory standards on Discipline are outlined in Section VII, Program. The items listed below are suggested means of relating to children in order to prevent disciplinary problems from arising.

Children should:

a. Be communicated with by showing an attitude of affection and concern and given an opportunity to talk out feelings.

b. Be given guidance in activities in an orderly fashion.

c. Be provided a range of interesting planned activities and allowed some choice.

d. Be spoken to in a calm way with kind tone of voice.

e. Be taught to consider how others feel by having their feelings understood.

f. Be helped to feel successful at the task assigned them and given the option of another task they can complete if one proves too difficult. The goal shall be what individual or groups of children can do successfully.

g. Be encouraged to control their own behavior by cooperating with others and solving problems by talking things out.

h. Be prepared for the next activity a few minutes ahead and allowed to wind down from one activity to another.

i. Not stand idle waiting for turns.

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